



WA PLANNING COMMISSION ENDORSEMENT 31 MAY 2018

# Department of Transport

## Hillarys Boat Harbour Management Plan

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## Version control

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A	08/12/2016	GHD / DoT – Maritime Planning	DoT Internal Review	L. Adams
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## Amendment record

This document is reviewed to ensure its continuing relevance to the systems and process that it describes. A record of contextual revisions is listed in the following table.

Page No.	Context	Revision	Date
a) 1, 4, 7, 10, 12, 16, 17 & 23 b) 37	a) Confirm WAPC is the determining authority under the <i>MRS</i> b) Clarify WAPC is the planning authority responsible for issue of Sect. 40 certificates for Liquor Licence applications	a) Text modifications to Sect. 1.2, 1.6, 1.7.3c), 1.8.3c), 1.9.3c), 1.11.1, Fig. 7 & 2.4.1 b) Text modifications to Sect. 2.9.5	05/02/2018
a) 1, 16, 17, 37 & 42 b) 7, 10, 12, 16, 17, 18 & 23 c) 37 d) 5 e) 7	a) Improve clarity confirming the WAPC is the determining authority under the <i>MRS</i> . b) Confirm DoT tenure as 'vested management authority' not 'landowner'. c) Remove reference to CoJ's <i>District Planning Scheme No. 2</i> applicability in issuing Sect. 40 certificates & replace with <i>MRS</i> . d) Clarify signs must meet the DoT's expectations for the Harbour, not approval. e) Applications for existing non-confirming uses considered at WAPC's discretion; remove phrase on timing coinciding with lease renewal.	a) Text modifications to Sect. 1.2a), b), c), d); 1.11.1 sub-heading, 1.11.1 - dotpoint 4; Fig. 7; 2.4.1; 2.9.6; App. 1 -Item. 7. b) Text modifications to Sect. 1.7.3c), 1.8.3c), 1.9.3c), 1.11.1, Fig. 7, Fig. 8 & 2.4.1 c) Text modification to Sect. 2.9.5 d) Text modification to Sect. 1.6.2a) e) Text modification to Sect.1.7.3d)	11/05/2018
36	Remove Section 2.8.5 – Cash in lieu of car parking as it will be dealt with via Integrated Transport Plan	Remove Section and renumber following	22/05/2018

## Endorsement Page

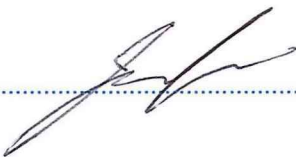
THIS HILLARYS BOAT HARBOUR MANAGEMENT PLAN WAS ENDORSED PURSUANT TO CLAUSE 16 (3) (e) OF THE METROPOLITAN REGION SCHEME

  
.....

Signed for and on behalf of the Western Australian Planning Commission

5/6/2018 ..... Date

an Officer of the Commission duly authorised by the Commission pursuant to section 16 of the *Planning and Development Act 2005* for that purpose, in the presence of:

  
..... Witness

5/6/2018 ..... Date

## Executive summary

Hillarys Boat Harbour (the Harbour) is located 18 kilometres north of the Perth CBD, at the intersection of West Coast Drive and Hepburn Avenue. The Harbour is a public reserve that is vested to the Minister for Transport for marine and harbour purposes under the *Marine & Harbours Act 1981*. The use, development and on-going operations of all vested Harbour land and waters are delegated to the management of the Department of Transport.

As growth continues in Perth's northern suburbs the Harbour will continue to be an important piece of regional community infrastructure focussed on supporting regional boating and maritime recreational opportunities.

The purpose of the Hillarys Boat Harbour Management Plan (the Management Plan) is to manage activities in the Harbour within the context of the statutory planning framework in terms of acceptable use and development. The management plan also provides clear guidance regarding approval requirements and the need for Western Australian Planning Commission approval.

The objectives of the Management Plan are to:

- a) cater for maritime facilities that enable the public safe access from the land to the sea;
- b) cater for retail, entertainment and tourist uses where they do not impede use of the reserve for maritime recreation and boating; and
- c) maintain a recreational function consistent with the status of the Harbour as a reserve for Parks and Recreation.

The Management Plan identifies four planning Precincts for Hillarys Boat Harbour, each having specific objectives and associated uses that contribute to those objectives. The combination of land uses across the Precincts supports the primary role of the Harbour as a maritime and recreational reserve, whilst facilitating appropriate commercial development that augments the Harbour experience.

Existing land uses and feedback from the community have been used to guide the objectives and appropriate land uses in each of the four Precincts.

The primary function of the Northern Precinct is to provide for maritime recreation and maritime commercial activities. As a result, the Management Plan does not support further or more intensive

development of retail, entertainment and tourist activities in the Northern Precinct.

The Eastern Precinct provides a broader recreation function with a swimming beach and casual leisure spaces. The Management Plan will continue to support this role.

The Southern Precinct functions as a district centre providing a range of centre, tourist and special uses. This will continue to be supported by the Management Plan.

The Seabed Precinct's function is to cater for safe and efficient boating access.

Each Precinct is guided by objectives, a list of the types of uses that are consistent with or compatible with the Precinct, and information regarding uses that may not be consistent with the reserve. Specific development provisions for each Precinct are also included.

The Management Plan will assist the Western Australian Planning Commission to exercise appropriate and consistent control when it considers applications for land use and development and assist the Department of Transport when it considers applications for leases within the public reserve.



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# 1. Part 1 – Management Plan

## 1.1 Purpose of Management Plan

The purpose of the Hillarys Boat Harbour Management Plan (the Management Plan) is to manage activities in the Harbour within the context of the statutory planning framework in terms of acceptable use and development. The management plan also provides clear guidance regarding approval requirements and the need for Western Australian Planning Commission (WAPC) approval.

The Management Plan has been prepared pursuant to clause 16(3) (e) of the *Metropolitan Region Scheme (MRS)*.

The *MRS* provides a statutory scheme across the Perth metropolitan region that identifies key regional zones and reserves for land use and infrastructure. The Harbour is reserved for the purpose of Parks and Recreation. Within regional reserves, the *MRS* provides a statutory framework for the control of land use and development which is administered by the WAPC. The *MRS* enables the WAPC to endorse a Management Plan for Parks and Recreation reserves that provides a framework for land use and development and, in particular,

use or development that will not require the approval of the WAPC.

In addition to the statutory function, this Management Plan provides a policy basis for the Department of Transport when it considers applications for leases within the reserve in accordance with its rights under the *Marine & Harbours Act 1981*.

## 1.2 Objectives and Application of the Plan

The objectives of the Management Plan are to:

- a) Cater for maritime facilities that enable safe public access from the land to the sea;
- b) Cater for retail, entertainment and tourist uses where they do not impede the use of the reserve for maritime recreation and boating; and
- c) Maintain a recreational function consistent with the status of the Harbour as a reserve for Parks and Recreation.

The Plan applies to all future land use and development scenarios within the Harbour as follows:

- a) For any minor works, tenancy refurbishment and/or redevelopment of

existing buildings for a use listed as consistent or compatible with the purpose and objectives for the Precinct and involving no increase in floorspace, only the Department of Transport support in its capacity as the vested management authority for the Harbour will be required; with the exception of those applications described in subsection d);

- b) For any redevelopment or new development on vacant land that increases usable floorspace, assessment by both the Department of Transport and WAPC should be required before being determined by the WAPC;
- c) For any new use not listed as consistent or compatible with the purpose and objectives of each Precinct, regardless of location, assessment by both the Department of Transport and WAPC should be required before being determined by the WAPC; and
- d) For any other proposal that the Department of Transport as the responsible land manager deems should be assessed by both the Department of Transport and the WAPC before being determined by the WAPC.

### 1.3 Management Plan area

Figure 1 highlights the location of the Hillarys Boat Harbour with the Management Plan applying to the area as depicted on Figure 2. The Harbour boundary coincides with the boundary of the gazetted reserve as vested in the Department of Transport for marina and harbour purposes.

Figure 2 also identifies four planning Precincts for the Harbour with each having specific objectives and associated uses that contribute to those objectives.

### 1.4 Management Plan structure

The Management Plan is divided into two parts. Part 1 provides the Management Plan objectives, land use permissibility and development provisions.

Part 2 provides the information that provides the rationale for the provisions contained in Part 1. Part 2 also contains additional background information and a number of strategic approaches to address matters that are not directly addressed through the Management Plan.

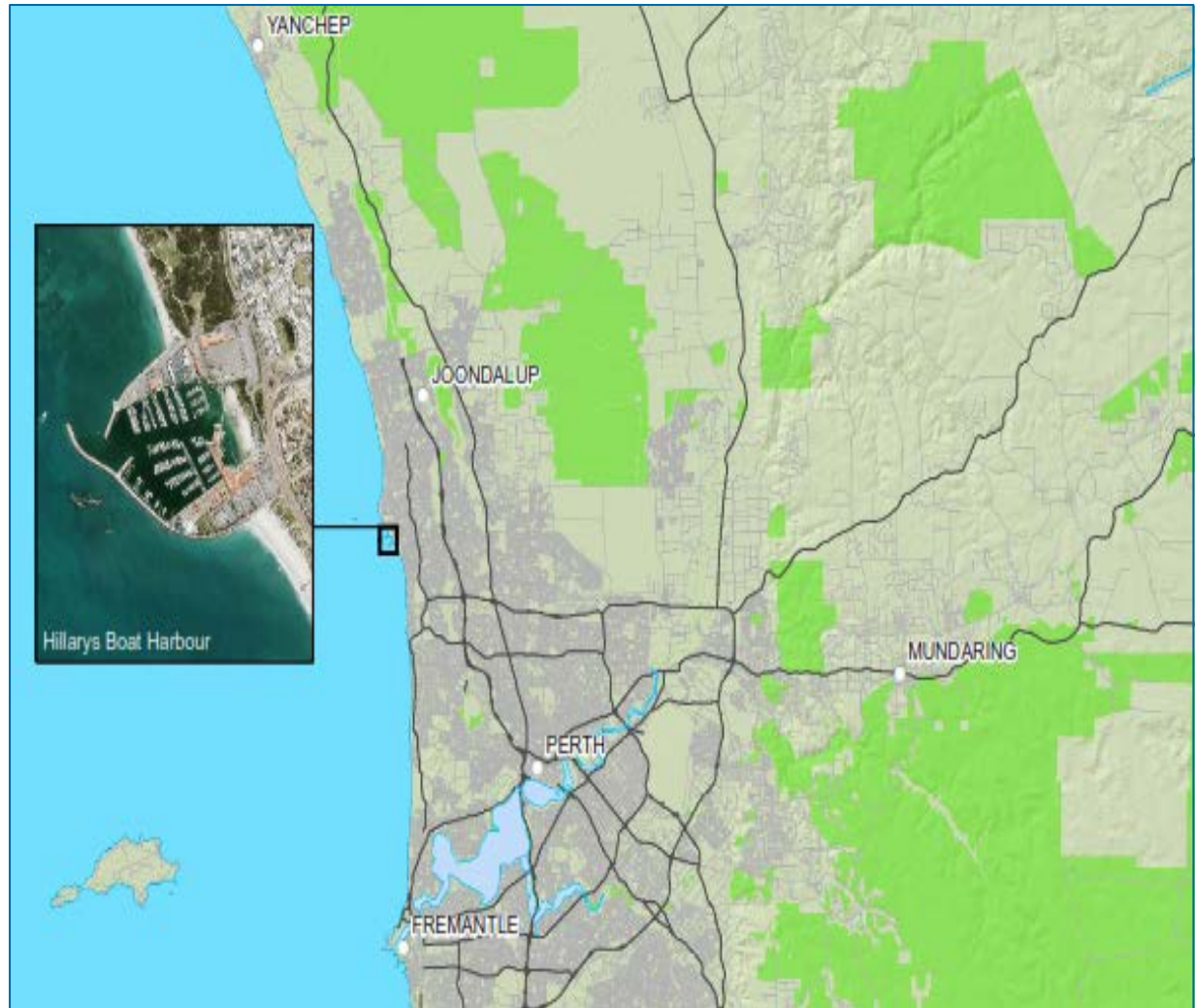
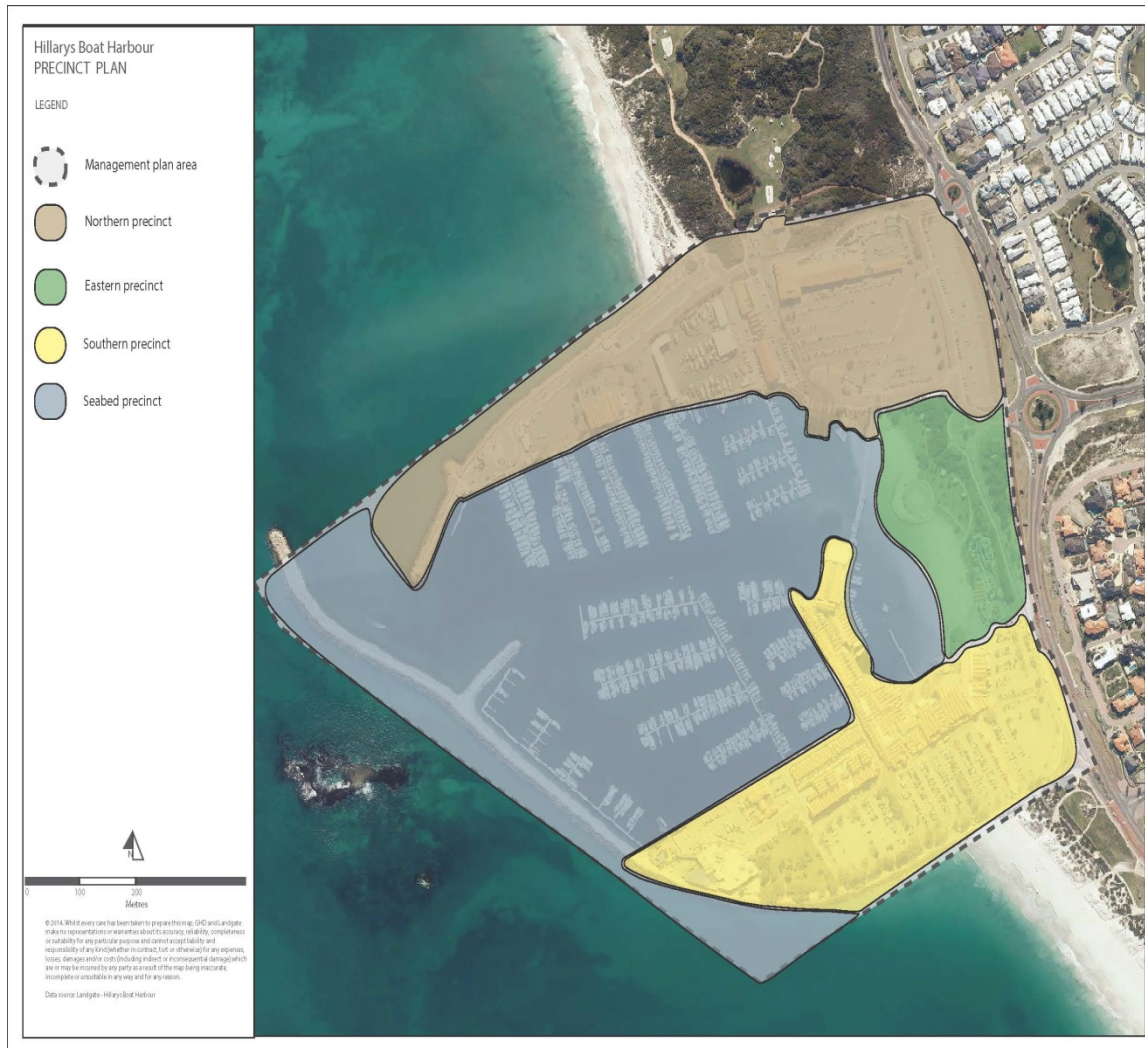


Figure 1 Location Map





**Figure 2 Management Plan area and Precincts**

## 1.5 Distinction between land use and development

In the application of this Management Plan, it is important to distinguish between the *use* of an area and any *development* that occurs within that area.

"*Use*" refers to an activity undertaken, the effect it has on the character of an area and the impacts of its operation, such as noise generation and parking requirements.

"*Development*" refers to physical construction in an area that supports the operation of the *use*, such as buildings and hardstand areas from which the *use* will operate, and its associated effects such as building design, bulk and height.

In the context of this Management Plan, any application that proposes to undertake a *use* listed as consistent or compatible within the relevant Precinct of the Management Plan will be exempt from the need to seek WAPC approval.

Any *use* not listed as consistent or compatible within the relevant Precinct of the Management Plan or any physical *development* that proposes to increase existing floorspace (including alfresco areas) will be required to seek the approval of the WAPC.

## 1.6 Overall development requirements

In assessing applications for development approval, the WAPC will follow the process outlined in section 1.11.2 and Figure 8. It will consider all applications for new buildings and/or additional floorspace on merit following the relevant design objectives and requirements detailed below, on the advice of the Department of Transport and against **Table 1**. Regardless of the need for WAPC approvals, any development proposal or change of use application (including signage) should be supported by the Department of Transport; who will follow the assessment process outlined in section 1.11.1 and Figure 7.

Provision of parking bays will also include replacement of any to be removed if new development is to occur within any existing car park. Opportunities to promote alternative forms of transport, particularly their use in any large development proposal will be considered favourably if providing end-of-trip facilities such as bicycle lockers, showers and change room facilities.

For increases in the number of Rottnest Ferry Services or Charter Boat Operators, the Department of Transport will assess any proposal on a case by case basis and upon review of navigability, safety, access to public wharves and car parking requirements.

### a) Change of use applications

Any change of use proposed within the existing building development footprint of the Harbour that is listed as consistent or compatible within the relevant Precinct will not require provision of additional parking.

Use	Parking rate
Southern Precinct	1 bay per 15m <sup>2</sup> gross leasable area (GLA)
Northern Precinct	1 bay per 30m <sup>2</sup> GLA
Accommodation	1 bay per 1 bed Unit, 2 bays per 2 & 3 bed Townhouse
AQWA / The Great Escape	1 bay per 15m <sup>2</sup> GLA (for any proposed new use or development)
Eastern Precinct	1 bay per 15m <sup>2</sup> GLA (for any proposed new use or development)
Dry berths (e.g. boat stackers, boat maintenance & storage areas)	0.2 bays per dry berth
Wet Pens	0.3 bays per wet pen
Charter Boats	3 bays per 4 passengers
Rottnest Daily Ferry	50 bays per departure

**Table 1 Parking requirements**

Any new changes of use within AQWA and the Eastern Precinct special use of The Great Escape, however, need to be treated differently given the current parking allowance under the *2002 Hillarys*

*Boat Harbour Parking Study* was calculated using visitation numbers applied only to the specific uses operating at the time.

Accordingly, any change in use (such as for a restaurant, cafe, retail outlet or office) that is inconsistent with the approved uses for AQWA (aquarium, educational display and ancillary function room) and The Great Escape (public or private recreation) will require additional parking calculated at a rate of 1 bay per 15m<sup>2</sup> gross leasable area (GLA).

### 1.6.1 New development design requirements

In considering an application for approval in accordance with clause 16 of the *MRS*, the WAPC will assess new development on merit against the following design objectives, and on the advice of the Department of Transport and the City of Joondalup.

- Development is sympathetic with the maritime theme and responds to the current character of the Harbour.
- The size and scale of new development reflects the pattern of neighbouring development so it will not, of itself, dominate the Harbour environment.
- Building facades are articulated and open to the Harbour environment.
- Development promotes pedestrian accessibility and public spaces surrounding and through buildings.

- e) Development maintains service and access corridors / areas, provides a high quality visual and public environment, and is designed and managed to best locate and / or screen functional service areas such as refuse storage areas and plant (mechanical).
- f) Development activates and provides visual surveillance of access and vehicle service areas.
- g) Containment of development within lease boundaries, hard and soft landscaping, and external lighting.
- h) Quality and appropriateness of materials for the maritime location and asset longevity expectations.
- i) Development and land uses are designed and managed to minimise the impact of noise on residents and patrons to the Harbour.
- j) Accessibility and sustainability standards.

Nothing in this Management Plan exempts an applicant from their obligations under other Acts, Regulations and State planning policies.

Additional information may also be required for temporary structures including shipping containers, food trucks, occasional events (possibly requiring an Event Management Plan), routine operational management (refuse disposal, bin storage, deliveries), environmental matters (coastal management, sea level rise, noise, odour and dust), construction management (possibly

requiring a Construction Management Plan), liquor licensing, food management and the like depending on the nature and intensity of the activity proposed.

Applicants should complete the Applicant Checklist at [Appendix 1](#) and submit it with any Development Application lodged for approval.

Unless deemed to be exempt, and prior to commencing any development in the Harbour, a building permit under the *Building Code of Australia (BCA)* will need to be obtained.

### 1.6.2 Signage requirements

#### a) Private advertising signage

New advertising signs located on or external to buildings will not require the approval of the WAPC for existing uses or development if they comply with the current Signage Policy, the maximum dimension of the sign fascia is 4.0 metres, its area does not exceed 4m<sup>2</sup> and it accords with the design requirements listed below.

Applications for non-compliant advertising signage must include plans detailing the elevation of the sign indicating where it will sit on the building, materials to be used, its colour, size, lettering type, method of construction, how it will be supported and the fixings to be used.

Where signage is proposed associated with new development, plans and elevations can accompany lodgement and be assessed by the WAPC as part of

the Development Application process or in satisfying a condition of approval.

The WAPC will consider the following design requirements when determining an application for approval of signage in accordance with clause 16 of the *MRS*:

- The design, size, and scale of advertising signs are to respect the colour, bulk and scale of the building;
- No sign should be displayed on the roof of a building;
- Any illuminated signage should be of low illumination and not flash or rotate in any way; and
- The size, design, and location of signage shall not detract from or dominate the public realm or architectural features of buildings.

Amending or replacing existing signage will not require the approval of the WAPC if located entirely on or within the existing approved signage footprint and it complies with the above design requirements. All signs, however including any proposed new, amended or replaced sign, will still need to meet the Department of Transport's expectations for the Harbour prior to installation.

#### b) Public directional signage

Public directional signage undertaken by the Department of Transport is deemed to be work undertaken in accordance with the management Plan and will not require the approval of the WAPC.



## 1.7 Northern Precinct

### 1.7.1 Northern Precinct area

The Northern Precinct is shown in [Figure 3](#).

### 1.7.2 Purpose and objectives

The purpose of the Northern Precinct of the Hillarys Boat Harbour is to provide for boating and maritime recreational purposes.

The objectives for the Precinct are to:

- a) Provide maritime related facilities to the public;
- b) Provide a safe and controlled gateway for public boat owners to the ocean;
- c) Provide opportunity for maritime education and research facilities;
- d) Provide safe walkability and movement networks;
- e) Provide opportunity for maritime related land based events (e.g. boat shows, competition events); and
- f) Provide opportunity for public recreation (e.g. land based fishing).



**Figure 3 Northern Precinct**

### **1.7.3 Use of land within the Northern Precinct**

When making decisions on use within the Northern Precinct of the Harbour in accordance with clause 16 of the *MRS*, the WAPC will be informed by the following use considerations.

#### **a) *Uses consistent with the reserve purpose***

Uses that provide Maritime Commercial and Recreational facilities for use by the community are consistent with the reserve purpose of Parks and Recreation. These uses will not require the approval of the WAPC as per clause 16(1) of the *MRS*.

The approval of the WAPC may be required for development in accordance with Section 1.7.4 of the Management Plan.

#### **b) *Uses compatible with the reserve purpose***

Uses that contribute to the objectives of the Northern Precinct are considered to be compatible with the purpose of the reserve for Parks and Recreation. Under this Management Plan, these uses will not require WAPC approval if contained within the footprint of existing buildings and where they do not introduce additional floorspace.

Uses that may contribute to the objectives of the Northern Precinct, in that they support maritime commercial and recreational functions, include:

- Car park;
- Civic use;
- Club premises;
- Commercial vehicle parking;
- Community purpose;
- Educational establishment (maritime);
- Lunch bar;
- Industry (maritime);
- Marina;
- Marine filling station;
- Boat sales;
- Recreation – private and public (function includes Rottneest Daily Ferry service);
- Shop (maritime);
- Telecommunications infrastructure; and
- Warehouse / storage (maritime).

These uses are defined in the Planning and Development (Local Planning Schemes) Regulations 2015; as listed in **Appendix 2**.

Broader industry, recreation, shop and warehouse / storage uses will need to be associated with a maritime function to be deemed compatible with the reserve purpose.

#### **c) *Uses not listed***

Uses that are not described in Section 1.7.3(a) or 1.7.3(b) of the Management Plan or are not associated with maritime and recreational uses may not be considered compatible with the purpose of a Parks and Recreation reserve in the Northern Precinct.

The Department of Transport will assess these uses and, if considered to meet its expectations for the Harbour, will sign the application form as vested management authority enabling lodgement to the WAPC. The WAPC will undertake a merit based assessment under clause 16(2) of the *MRS* before issuing its decision.

#### **d) *Non-conforming land uses***

Where a non-compatible use is currently approved within the Northern Precinct of the reserve, it is considered a non-conforming use and can be continued in line with its current lease and any planning approval conditions.

Any application to alter or extend a non-conforming use will be considered at the discretion of the WAPC.



**e) Change of use**

For the absence of doubt, any change in use within the existing building development footprint of the Harbour that does not generate new or additional GLA floorspace and is described in section 1.7.3(a) or 1.7.3(b) of the Management Plan as a consistent or compatible use will not require the approval of the WAPC.

**1.7.4 Development**

In accordance with clause 16 of the *MRS*, development on land reserved for the purpose of Parks and Recreation that is in accordance with the Management Plan will not require the approval of the WAPC.

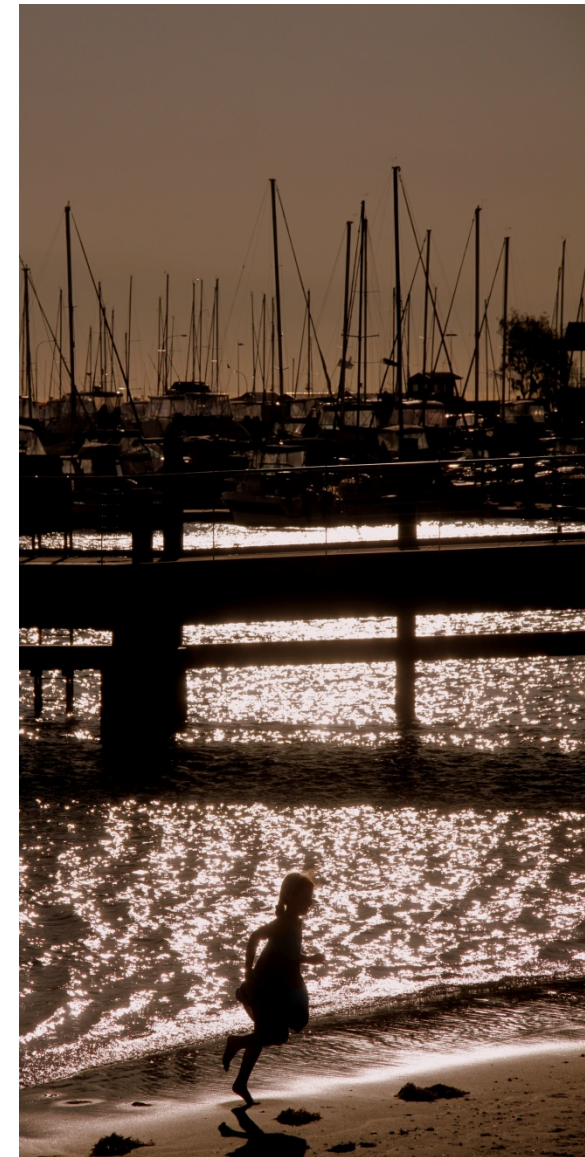
The following types of development are anticipated within the Northern Precinct and are deemed to be works undertaken in accordance with the Management Plan:

- Development undertaken by the Department of Transport that is defined as public works under the *Public Works Act 1902*.
- Development undertaken by or on behalf of the Department of Transport relating to maritime and recreation uses and limited to waterway infrastructure such as jetties, pens and the like for private third party lessees (e.g. Hillarys Yacht Club).

- Internal building work that does not materially affect the external appearance of the building nor introduce additional floorspace (including alfresco areas).



All new or additional development in the Northern Precinct will require the approval of the WAPC. The WAPC will consider all applications on merit against the design objectives of this Management Plan and on the advice of the Department of Transport.



## 1.8 Eastern Precinct

### 1.8.1 Eastern Precinct area

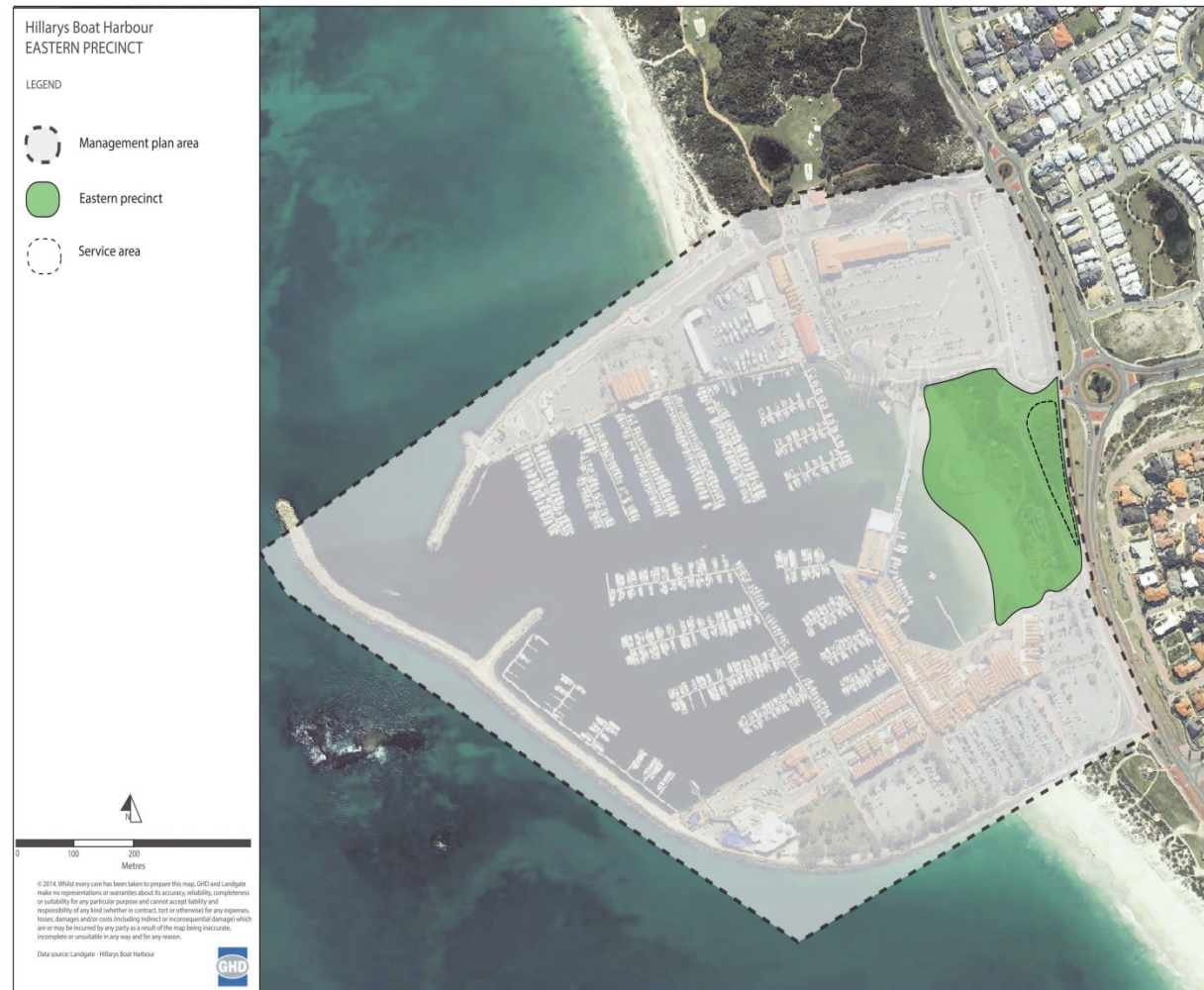
The Eastern Precinct is shown in **Figure 4**.

### 1.8.2 Purpose and objectives

The purpose of the Eastern Precinct of the Hillarys Boat Harbour is to provide for public recreation.

The objectives for the Precinct are to:

- a) Provide public landscaped and natural parks and recreation spaces;
- b) Provide opportunity for private commercial leisure facilities where they complement the recreational enjoyment of the Precinct by the public;
- c) Provide public amenity services to support recreation and leisure;
- d) Provide opportunity for community run public entertainment spaces; and
- e) Provide safe walkability and movement networks.



**Figure 4 Eastern Precinct**

### 1.8.3 Use of land within the Eastern Precinct

When making decisions on land use within the Eastern Precinct of the Harbour in accordance with clause 16 of the *MRS*, the WAPC will be informed by the following use considerations.

#### a) *Uses consistent with the reserve purpose*

Uses that provide public, recreational facilities for use free of charge by the community are consistent with the purpose of the reserve for Parks and Recreation. These uses will not require the approval of the WAPC as per clause 16(1) of the *MRS*.

The approval of the WAPC may be required for development in accordance with section 1.6.4 of the Management Plan.

#### b) *Uses compatible with the reserve purpose*

Uses that contribute to the objectives of the Eastern Precinct are considered to complement the purpose of the reserve for Parks and Recreation. Under this Management Plan, these uses will not require WAPC approval if contained within the footprint of existing buildings and where they do not introduce additional floorspace.

Uses that may contribute to the objectives of the Eastern Precinct include:

- Community purpose;

- Market; and
- Recreation – Private and Public.

These uses are defined in the Planning and Development (Local Planning Schemes) Regulations 2015; as listed in Appendix 2.

#### c) *Uses not listed*

Uses that are not described in section 1.8.3(a) or 1.8.3(b) of the Management Plan or are not associated with recreational uses may not be considered compatible with the purpose of a Parks and Recreation reserve in the Eastern Precinct.

The Department of Transport will assess these uses and, if considered to meet its expectations for the Harbour, will sign the application form as vested management authority enabling lodgement to the WAPC. The WAPC will undertake a merit based assessment under clause 16(2) of the *MRS* before issuing its decision.

#### d) *Service areas*

Areas shown as a service area on Figure 4 shall be used by the Department of Transport only for public services and infrastructure.

#### e) *Change of use*

For the absence of doubt, any change in use within the existing building development footprint of the Harbour that does not generate new or additional GLA floorspace and is described in

section 1.8.3(a) or 1.8.3(b) of the Management Plan as a consistent or compatible use will not require the approval of the WAPC.

### 1.8.4 Development

In accordance with clause 16 of the *MRS*, development on land reserved for the purpose of Parks and Recreation that is in accordance with the Management Plan will not require the approval of the WAPC. The following types of development are anticipated within the Eastern Precinct and are deemed to be works undertaken in accordance with the Management Plan:

- Development undertaken by the Department of Transport defined as public works under the *Public Works Act 1902*;
- Development undertaken by or on behalf of the Department of Transport relating to recreation uses; and
- Internal building work that does not materially affect the external appearance of the building nor introduce additional floorspace (including alfresco areas).

All new or additional development in the Eastern Precinct will require the approval of the WAPC. The WAPC will consider all applications on merit against the design objectives of this Management Plan and on the advice of the Department of Transport.



## 1.9 Southern Precinct

### 1.9.1 Southern Precinct area

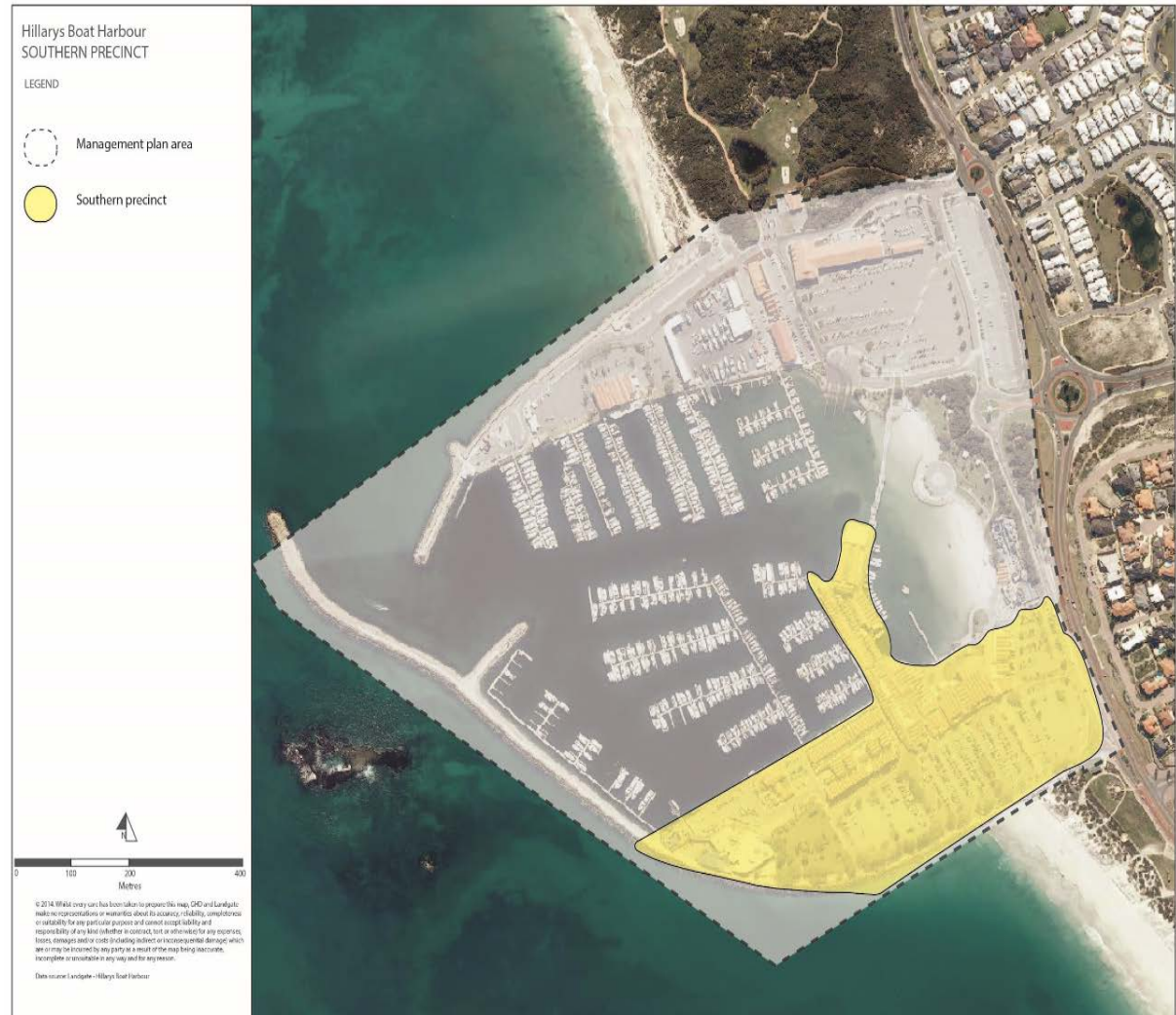
The Southern Precinct is shown in **Figure 5**.

### 1.9.2 Purpose and objectives

The purpose of the Southern Precinct of the Hillarys Boat Harbour is to support recreational and maritime activities within a specialist centre, focused on tourism, hospitality and retail services.

The objectives for the Precinct are to:

- a) Provide commercial opportunities that offer diverse services in hospitality, tourism and retail;
- b) Provide accessible, attractive and shaded public spaces; and
- c) Provide safe walkability and movement networks.



**Figure 5 Southern Precinct**

### 1.9.3 Use of land within the Southern Precinct

When making decisions on land use within the Southern Precinct of the Harbour in accordance with clause 16 of the *MRS*, the WAPC will be informed by the following use considerations.

#### a) *Uses consistent with the reserve purpose*

Uses that provide public, recreational facilities for use by the community are consistent with the purpose of the reserve for Parks and Recreation. These uses will not require approval of the WAPC as per clause 16(1) of the *MRS*.

The approval of the WAPC may be required for development in accordance with section 1.9.4 of the Management Plan.

#### b) *Uses compatible with the reserve purpose*

Uses that contribute to the objectives of the Southern Precinct are considered to complement the purpose of the reserve for Parks and Recreation. Under this Management Plan, these uses will not require WAPC approval if contained within the footprint of existing buildings and where they do not introduce additional floorspace.

Uses that may contribute to the objectives of the Southern Precinct include centre, tourist, and special uses. These key use categories include a range of sub-category use classes:

#### Centre uses

- Amusement parlour;
- Art gallery;
- Car park;
- Civic use;
- Commercial vehicle parking;
- Community purpose;
- Convenience store;
- Exhibition centre;
- Fast food/lunch bar;
- Boat sales;
- Office;
- Reception centre;
- Recreation – private & public (function includes Rottneest Daily Ferry service);
- Restaurant/cafe;
- Shop; and
- Telecommunications infrastructure.

#### Tourist uses

- Hotel;

- Serviced apartments;
- Short stay accommodation; and
- Tourist development.

#### Special uses

- Brewery;
- Cinema/theatre
- Market;
- Small bar; and
- Tavern.

These uses are defined in the Planning and Development (Local Planning Schemes) Regulations 2015; as listed in Appendix 2.

#### c) *Uses not listed*

Uses that are not described in section 1.9.3(a) or 1.9.3(b) of the Management Plan or are not associated with maritime and recreational uses may not be considered compatible with the purpose of a Parks and Recreation reserve in the Southern Precinct.

The Department of Transport will assess these uses and, if considered to meet its expectations for the Harbour, will sign the application form as vested management authority enabling lodgement to the WAPC. The WAPC will undertake a merit based assessment under clause 16(2) of the *MRS* before issuing its decision.



**d) Change of use**

For the absence of doubt, any change in use within the existing building development footprint of the Harbour that does not generate new or additional GLA floorspace and is described in section 1.9.3(a) or 1.9.3(b) of the Management Plan as a consistent or compatible use will not require the approval of the WAPC.

**1.9.4 Development**

In accordance with clause 16 of the *MRS*, development on land reserved for the purpose of Parks and Recreation that is in accordance with the Management Plan will not require the approval of the WAPC.

The following types of development are anticipated within the Southern Precinct and are deemed to be works undertaken in accordance with the Management Plan:

- Development undertaken by the Department of Transport that is defined as public works under the *Public Works Act 1902*;
- Development undertaken by or on behalf of the Department of Transport relating to maritime and recreational uses; and

- Internal building work that does not materially affect the external appearance of the building or introduce additional floorspace (including alfresco areas).

All new or additional development in the Southern Precinct will require the approval of the WAPC. The WAPC will consider all applications on merit against the design objectives of this Management Plan and on the advice of the Department of Transport.



## 1.10 Seabed Precinct

### 1.10.1 Seabed Precinct area

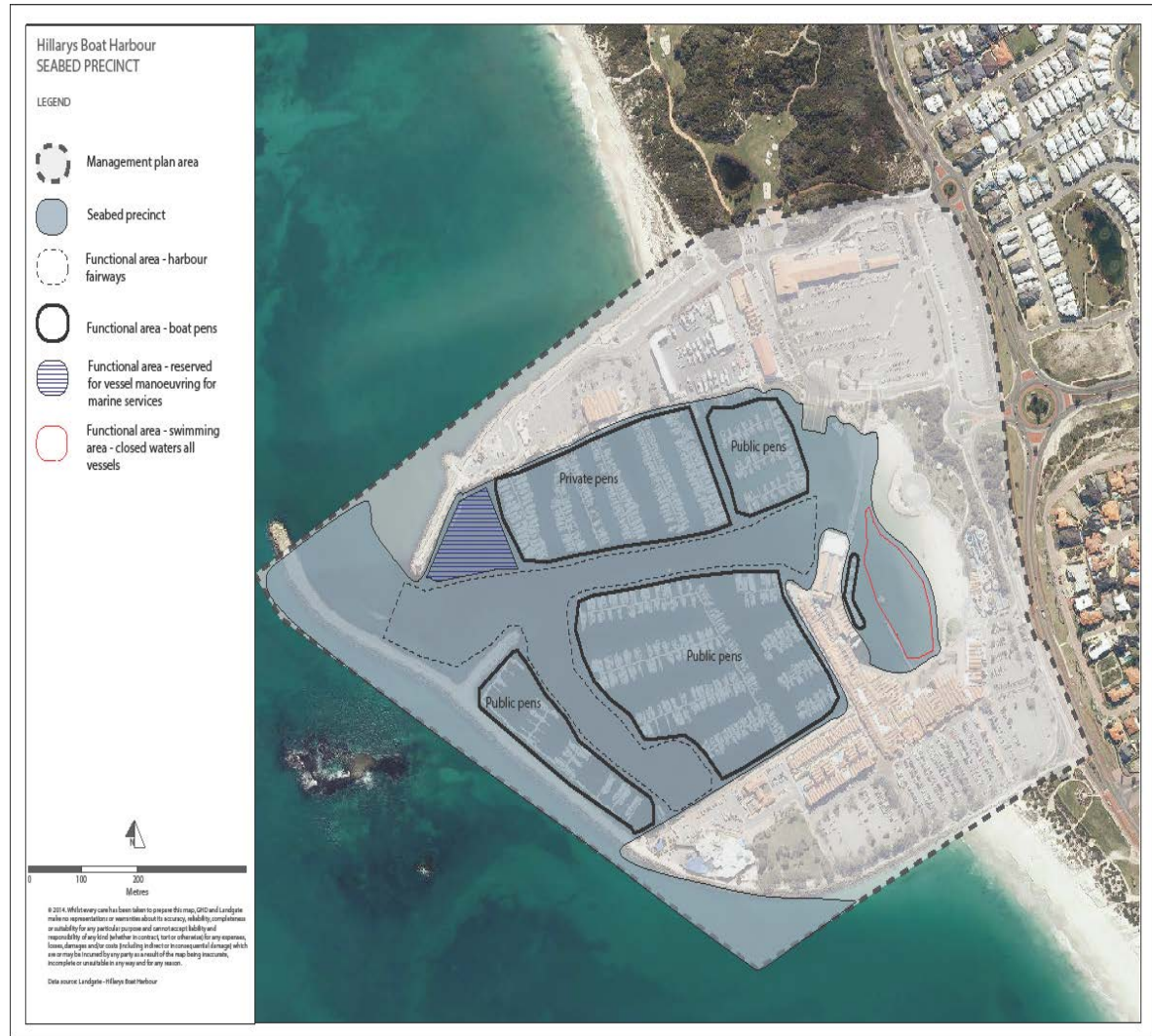
The Seabed Precinct is shown in **Figure 6**.

### 1.10.2 Purpose and objectives

The purpose of the Seabed Precinct of the Hillarys Boat Harbour is to provide safe boat transition to and from the ocean to boat housing facilities, services and public vehicles.

The objectives for the Precinct are to:

- Provide opportunities for the public to safely transition from land to the ocean via boat;
- Provide opportunities to the public and business to safely house their private or commercial boats within the Harbour;
- Provide services for boats both housed and not housed in the seabed pens; and
- Provide safe movement networks.



**Figure 6 Seabed Precinct**



### 1.10.3 Functional areas

In line with the primary purpose and objectives of the Seabed Precinct, all use and development within the Seabed Precinct shall be in accordance with the functional areas descriptions shown on Figure 6.

The uses associated with the boating recreation functions described on Figure 6 are consistent with the reserve purpose of Parks and Recreation and Waterways. These uses will not require the approval of the WAPC as per clause 16(1) of the *MRS*.

### 1.10.4 Development

#### *Land reserved for the purpose of Parks and Recreation*

Some of the land within the Seabed Precinct is reserved for the purpose of Parks and Recreation, including the breakwater and some jetties.

In accordance with clause 16 of the *MRS*, development on land reserved for the purpose of Parks and Recreation that is in accordance with the Management Plan will not require the approval of the WAPC.

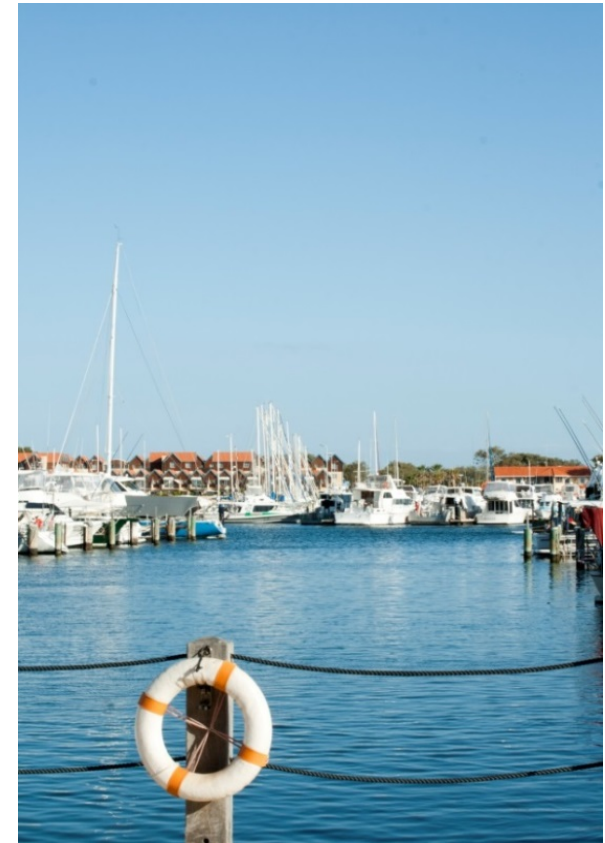
The following types of development are anticipated within the Seabed Precinct and are deemed to be works undertaken in accordance with the Management Plan:

- Development undertaken by the Department of Transport that is defined as public works under the *Public Works Act 1902*;
- Development undertaken by or on behalf of the Department of Transport relating to maritime and recreation uses; and
- Development undertaken by third party commercial lessees limited to waterway infrastructure, jetties, pens and similar structures.



All new or additional development in the Seabed Precinct will require the approval of the WAPC in accordance with clause 16 of the *MRS*.

The WAPC will consider all applications on merit against the design objectives of this Management Plan and on the advice of the Department of Transport.



## 1.11 Development approval pathways

The following pathways relate to approval requirements of the WAPC for land use and development within the reserve and illustrate the land use and development framework described in preceding sections of the Management Plan. The *MRS* sets out separate approval requirements for use and development.

The rationale for these approvals pathways are described in Part 2 of the Management Plan.

Other approvals and negotiation of leases may be required for private development within the reserve and should be investigated by all developers prior to commencement of work.

### 1.11.1 Department of Transport consideration process

The Department of Transport is the public authority to which the Hillarys Boat Harbour reserve is vested. The provisions of the *MRS* for reserved land, supported by the Management Plan, provide a framework for the Department of Transport to carry out activities necessary to develop the reserve for its purpose of maritime recreation without the approval of the WAPC being required.

Upon receipt of a use or development proposal from an existing lessee or potential new



commercial entity, the Department of Transport will undertake an assessment to check whether it is:

- a use that is consistent or compatible with the reserve and Precinct purpose in the Management Plan so is therefore exempt from requiring WAPC determination;
- a use that is not listed as consistent or compatible with the reserve and Precinct purpose but is potentially appropriate so will be forwarded to the WAPC with a request that it issue a determination;
- new development that is additional to or outside the existing development footprint (including alfresco areas) thus requiring WAPC determination; and
- a use that does not, in its capacity as vested management authority, meet its expectations for the Harbour and thus refuses to sign the application form.

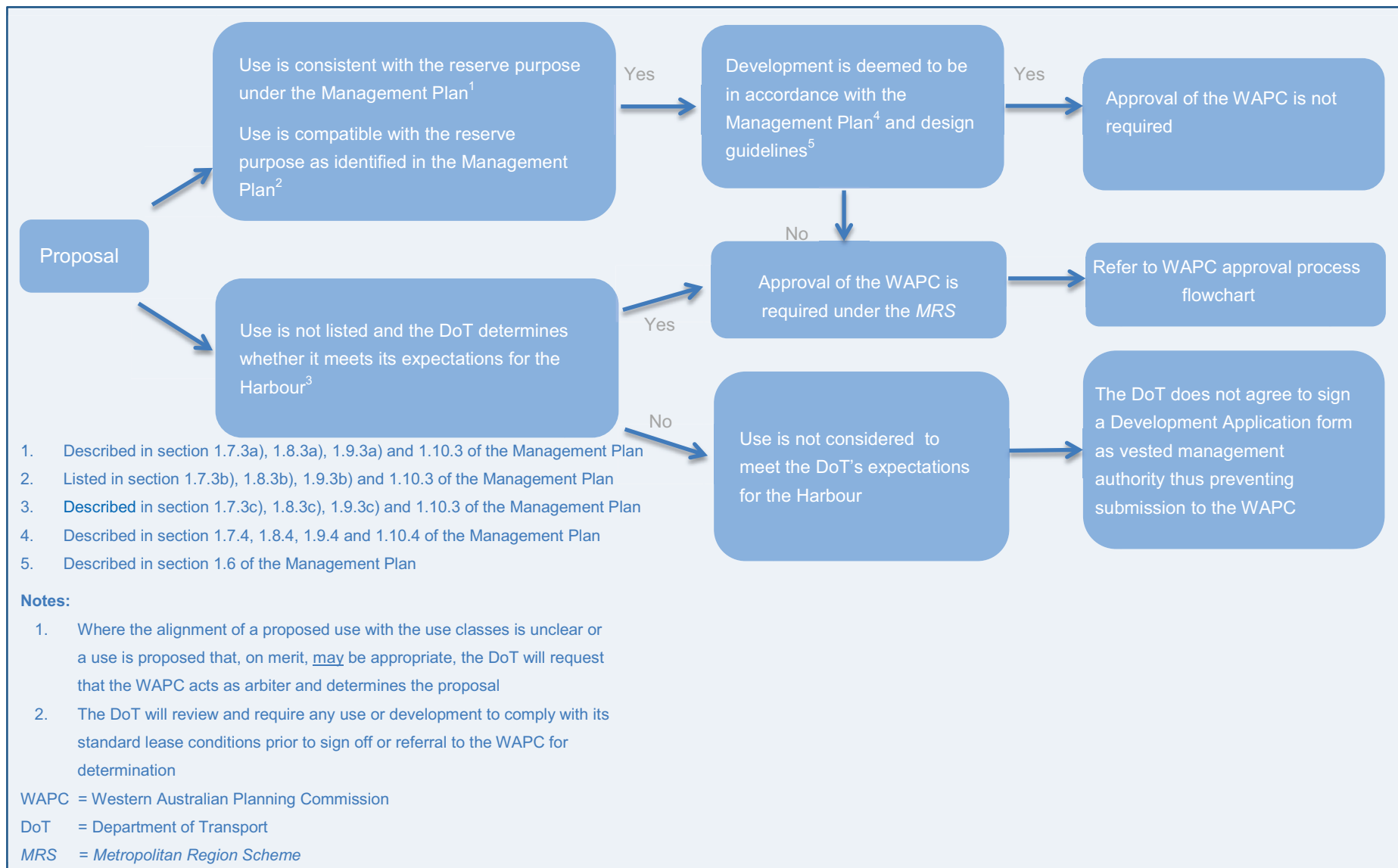
The approvals pathway that the Department of Transport should use to consider its obligations regarding planning approvals within the Parks and Recreation reserve in line with the *MRS* is shown in [Figure 7](#).

### 1.11.2 WAPC approval process

The *MRS* provides mechanisms that enable an efficient pathway to be followed for public authorities to deliver public works on reserved land. The *MRS* also allows for consideration of other use and development for any other purpose at the discretion of the WAPC. When the approval of the WAPC is required for use or development, the *MRS* requires that the WAPC has regard to:

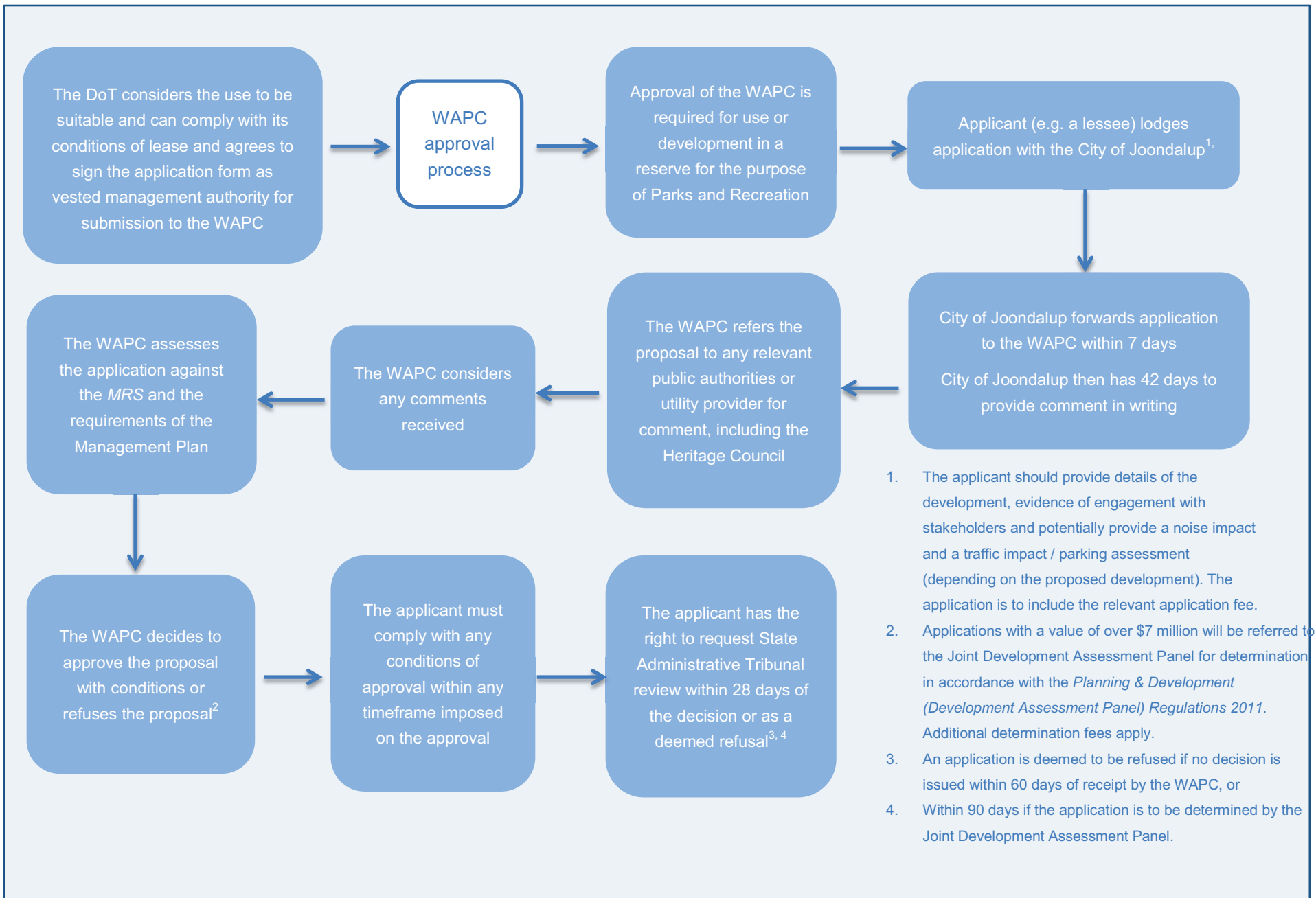
- The purpose for which the land is reserved;
- The orderly and proper planning of the locality; and
- The preservation of the amenity of the locality.

The Management Plan provides the policy framework for the WAPC to have regard to these factors and identifies the type of private use and development that may be applicable for approval exemptions under the *MRS*. The WAPC approval process is shown in [Figure 8](#).



**Figure 7 Decision making pathway**





**Figure 8 WAPC approval process**

## 2. Part 2 – Explanatory Section

### 2.1 Introduction

Hillarys Boat Harbour (the Harbour) is located 18 kilometres north of the Perth CBD at the intersection of West Coast Drive and Hepburn Avenue. The Harbour is a public reserve vested in and managed by the Department of Transport.

The Harbour was constructed in the mid 1980's as a boating and tourist facility and is currently one of the larger coastal hubs in Perth's northern suburbs. Urban development in the coastal north west corridor of Perth has supported the growth of the Harbour into a major recreational hub for the region.

In the south and east, the hub consists of commercial/tourism activities, recreational attractions and short stay accommodation as well as maritime functions including a ferry terminal and the Department of Transport offices.

The northern portion includes a number of maritime activities that are traditionally associated with a working boat harbour such as a Yacht Club, boat maintenance and repair facilities, retail chandlery outlets, educational and research centres, and recreational boat launching and parking infrastructure.

With the on-going growth of Perth's northern coastal corridor, the Harbour will continue to be an important asset for the community into the future, with a focus on supporting regional boating and maritime recreational opportunities.

### 2.2 Purpose of Management Plan

The purpose of the Management Plan is to provide a contemporary land use and development framework to manage the diversity of recreational, maritime and commercial activities that occur in the Harbour reserve.

Its intent is to manage activities in the Harbour within the context of the statutory planning framework as it relates to acceptable use and development as well as approval requirements.

The Management Plan will inform decisions made by planning authorities, and the Western Australian Planning Commission (WAPC) in particular, on proposals lodged for the use of land and for new development within the Harbour. It will also provide a policy tool for the Department of Transport to consider lease applications for commercial proposals within the reserve.

The framework provided by the Management Plan will enable the continuation of the primary maritime and harbour use as well as the retail, commercial and tourist uses.

The Management Plan includes an operational section (within Part 1) that aligns use and development within the Harbour with the *Metropolitan Region Scheme (MRS)*.

It also includes a range of strategic recommendations for consideration by the Department of Transport and key private developers/leaseholders to continue to enhance the amenities and opportunities within the Harbour.



### 2.3 Regional site context

Hillarys Boat Harbour provides an important maritime and recreational node in Perth's northern suburbs, operating as a major tourist and entertainment hub. The regional context of the Harbour is illustrated in [Figure 9](#).

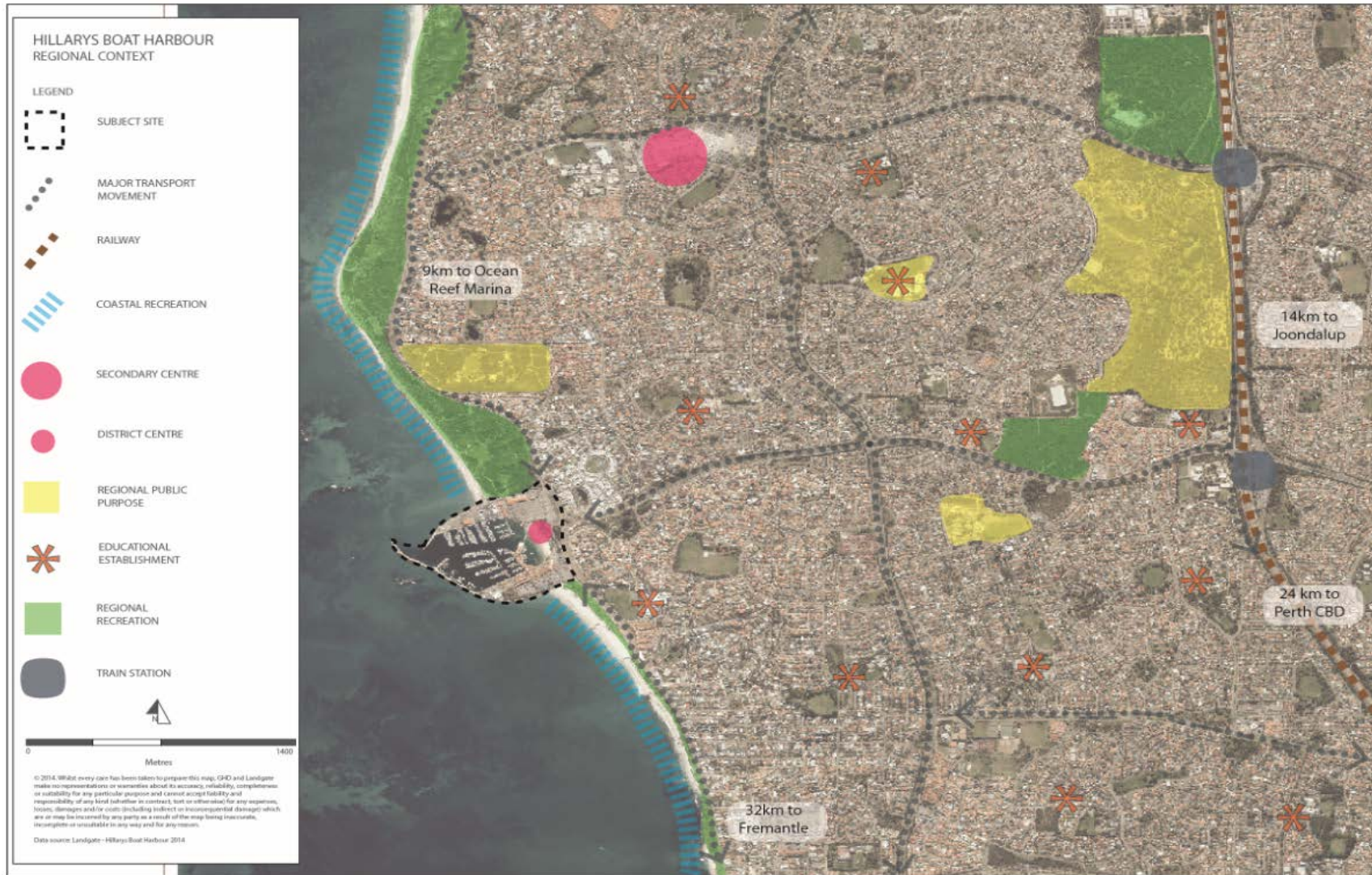
Hillarys Boat Harbour is the only boat launching facility along the coast between Woodman Point and Ocean Reef, a distance of approximately 50 kilometres. This creates a significant catchment of boat users that rely on facilities within the Harbour to launch their vessels.

The Harbour is accessible by private vehicle with direct connections linking to Hepburn Avenue, West Coast Drive and Whitfords Avenue, and beyond to the Mitchell Freeway.

With only a few major activity centres in the surrounding districts, commercial activities within the Harbour service the hospitality and entertainment needs of the nearby suburbs. The Harbour also provides a district and regional recreational role, linking into the coastal foreshore that extends along the Perth coastline.







**Figure 9 Hillarys Boat Harbour regional context**



## 2.4 Planning context

The Management Plan has been prepared within the context of the broader regional planning framework that applies to the area. The following sections outline the key planning documents and strategies that influence the Management Plan.

### 2.4.1 Metropolitan Region Scheme

The *MRS* is a statutory planning scheme that applies to the entire Perth metropolitan region. It has a regional planning focus and identifies key strategic zones (such as urban, rural and industrial areas) and important regional reserves for regional infrastructure. Hillarys Boat Harbour is reserved under the *MRS* for the purpose of Parks and Recreation, as shown in **Figure 10**.

The statutory provisions of the *MRS* set out the approval requirements for use and development on reserved land. The relevant provisions are included within Division 2 of the *MRS*.

Pursuant to clause 16(3)(e) of the *MRS*, the WAPC can endorse a Management Plan for Parks and Recreation reserves that provides a framework for land use and development and, in particular, use or development that will not require the approval of the WAPC.



**Figure 10 Hillarys Boat Harbour regional planning context**

In the application of this Management Plan, it is important to distinguish between the *use* of an area and *development* that occurs within that area.

"*Use*" refers to an activity undertaken, the effect it has on the character of an area and the impacts of its operation, such as noise generation and parking requirements.

"*Development*" refers to physical construction in an area that supports the operation of the use, such as buildings and hardstand areas and associated impacts such as built form, bulk and scale.

With regard to the use of land within the Harbour, the *MRS* identifies that reserved land can be used for a Parks and Recreation purpose without the approval of the WAPC where it is owned by or vested in a public authority. Other uses, however, including those from private commercial entities can be considered, subject to approval of the WAPC.

All new use or development within the Parks and Recreation reserve requires the approval of the WAPC, unless the use or development is defined by the *MRS* as permitted development. The *MRS* defines permitted development as development in accordance with a Management Plan that has been endorsed by the WAPC, and where it does not require the clearing of regionally

significant vegetation within a *Bush Forever* site.

The Hillarys Boat Harbour Management Plan has been prepared to guide the exercise of discretion by the WAPC when considering applications for approval to use or develop land within the Harbour that do not strictly reflect the Parks and Recreation purpose of the reserve. It also enables the interpretation of certain forms of use and development as permitted development, enabling minor and important development to be undertaken without requiring the approval of the WAPC.

Whilst the Harbour reserve is vested in the Department of Transport, the provisions of the *MRS* do not apply only to the public authority. The Management Plan provides a framework to describe how the provisions of the *MRS* relate to both public and private development within the reserve.

For proposals lodged by commercial third parties, a listed permitted use that will operate out of an existing building will not require WAPC approval. Any unlisted use and all new permitted and unlisted development regardless of use will require approval. In such cases, the Department will first vet any proposal against the objectives and guidelines of the Management Plan as well as the functions set down for the Department under the

*Marine and Harbours Act 1981* and will only sign the application form as vested management authority where it is deemed to meet the Department's expectations for the Harbour. In all circumstances, the Department reserves the absolute right as vested management authority to refuse to sign an application form for any use or development that, on its merit, is not considered suitable.

#### **2.4.2 Relationship to local planning scheme**

As the Harbour is reserved under the *MRS*, it is not subject to the provisions of the City of Joondalup *District Planning Scheme No. 2* nor can Council determine any proposal. Despite this, the City is an important stakeholder for planning decisions made within the Harbour.

In accordance with procedural provisions of the *MRS*, applications for development approval are to be submitted to the City to forward to the WAPC and who then, within 42 days, must provide a recommendation for consideration as part of determination.

#### **2.4.3 State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)**

*State Planning Policy 4.2 (SPP 4.2)* is a key state policy document that specifies planning requirements for activity centres in Perth and Peel.

*SPP 4.2 defines activity centres as: 'community focal points. They include activities such as commercial, retail, higher density housing, entertainment, tourism, civic / community, higher education, and medical services. Activity centres vary in size and diversity and are designed to be well serviced by public transport.'*

SPP 4.2 sets a hierarchy for centres across the Perth metropolitan region and provides a framework for the preparation of 'activity centre structure plans' for higher order centres. The policy identifies Sorrento as a 'District Centre' in the hierarchy, whilst the spatial representations in the later 'Perth and Peel at 3.5 Million' suite of documents indicate that the District Centre is



located within the Hillary's locality and, more specifically, in the Southern Precinct of the Harbour.

SPP 4.2 requires an activity centre structure plan to be prepared prior to approval of any major development within an identified centre. The policy defines 'major development' as:

*'Development of any building or extension/s to an existing building where the building or extensions are used or proposed to be used for shop-retail purposes and where the shop-retail NLA of the:*

- proposed building is more than 10,000m<sup>2</sup>; or*
- extension/s is more than 5,000m<sup>2</sup>.'*

As there is currently no proposal for any major development and, as the planning for the overall district centre including its walkable catchment is beyond the jurisdiction of the Department of Transport, this Management Plan should not be construed as being an activity centre structure plan. Notwithstanding, the land uses facilitated by the Management Plan, particularly within the Southern Precinct, provide for a diversity of use that supports the role of the area as an activity centre, with the exception of residential uses.





## 2.5 Site analysis

The Hillarys Boat Harbour is a much loved destination providing a range of activities for all users. **Figure 11** illustrates the Harbour's main functional areas and key characteristics.

The site is highly accessible via the regional road network adjacent to the site. In most instances, visitors to the Harbour travel in their private car. Figure 11 also highlights a number of car parks around the Harbour, providing access to a range of facilities and activities. Vehicle access to the site is via three entry points. In addition, there are multiple entry points for pedestrians, particularly from the southern car park to the commercial/retail area.

The range of activities provided at the Harbour attracts a range of visitors, including tourists, local residents and recreational boat users.



The public recreation spaces provide sheltered places for users to enjoy the atmosphere, beach and sea views.



Pedestrian movement through the Harbour is facilitated via a number of pedestrian shared pathways, as well as along internal walkways through the main commercial area.

The northern side of the Harbour contains a number of maritime uses including a yacht club, boat launching facilities and businesses involved in maritime industry. Public boat pens are located at different points around the Harbour with private pens located adjacent to the yacht club.

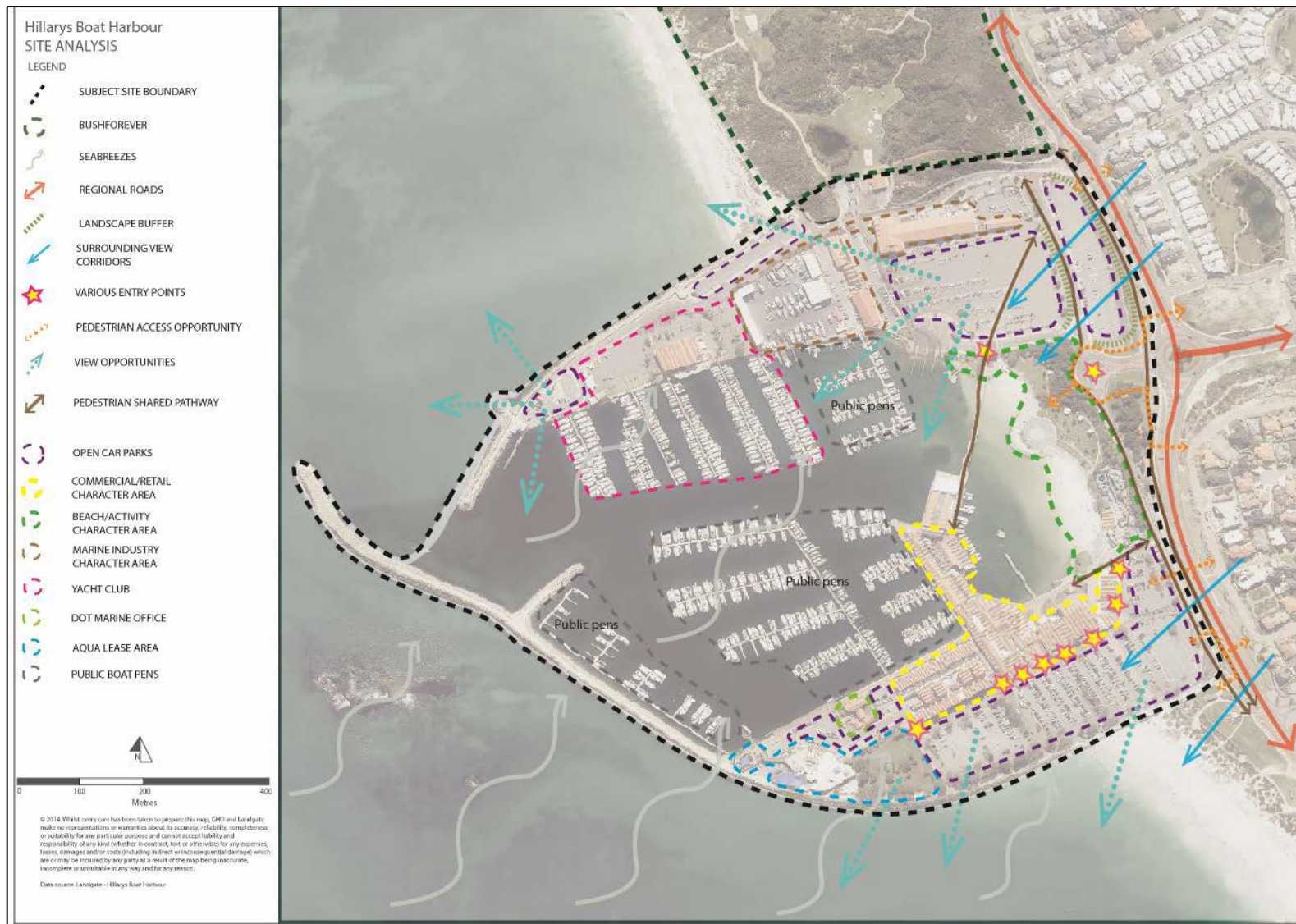
To the north and south of the Harbour, foreshore areas allocated for *Bush Forever* protection continue along the majority of the northern Perth coastline.

### 2.5.1 Waterways and boating functions

Water based activities are a major function of the Harbour. These are predominantly located within the Seabed Precinct; however they are supported by the land uses in the Northern Precinct of the Harbour. Supporting uses include boat ramps, trailer parking and pedestrian access and parking. It is important that development of the Northern Precinct does not hinder the maritime activities of the Seabed Precinct.

The attraction of new commercial operators offering a range and variety of recreational opportunities is encouraged as well as opportunities for special events including boat, dive and fishing shows.





**Figure 11 Site analysis – Hillarys Boat Harbour**



### 2.5.2 Existing land use

Hillarys Boat Harbour includes a range of maritime, industrial, commercial, recreation and leisure uses.

The northern part of the Harbour is mainly used for typical maritime uses such as recreational boating, the yacht club, maritime industry and educational/research facilities such as the Department of Fisheries office. The eastern areas include public and private recreational uses, grassed open spaces and terraces, a sheltered swimming beach and The Great Escape adventure park.

The southern area of the Harbour contains a range of centre and tourist uses including the Sorrento Quay retail complex, a short stay apartment complex and AQWA. Whilst the different land uses are located separately, they work together to achieve a cohesive maritime recreation, leisure, commercial and tourist environment. The waterway areas are important for safe and efficient water navigation. It also provides space for boat pens and the Rottneft ferry terminal.

Proposals for expansion of additional tourist or hospitality uses into the eastern and northern areas could threaten the availability of land for primary maritime and public recreational functions. An important element in the assessment of any proposal in these areas will

be to ensure the Harbour does not lose its primary function supporting maritime and recreation activities.

Current lease areas associated with private development within the Harbour are shown on **Figure 12**. They relate to a range of tourist, retail/hospitality, private recreation and private maritime activities. Although they provide the key locations for private investment in the Harbour, there may be opportunity to consider land swaps to consolidate development. Other areas not covered by a lease are managed by the Department of Transport for public car parking, public recreation or maritime purposes.



**Figure 12 Current leases within Hillarys Boat harbour**



### 2.5.3 Access and Parking

Accessing Hillarys Boat Harbour is predominantly via private vehicle. There are limited public transport or shuttle options from train stations and the Harbour’s regional catchment attracts people from across Perth as well as regional areas. During the summer months, especially during school holiday periods, the Harbour is one of the most visited centres in the Perth metropolitan area. Combine this with it being one of the busiest boat launching and maritime facilities in Perth and parking becomes a key piece of infrastructure for the Harbour.

There is a perception amongst some community members and lease holders that parking is a constraint within the Harbour. In response to growing demand, the Department of Transport has progressively developed additional car parking areas to meet peak parking demand on even the busiest days of the year, such as the Australia Day fireworks display and the annual Boat Show.

Connectivity between the Northern and Southern Precincts of the Harbour is now enhanced by the pedestrian bridge traversing Harbour water areas and providing more direct access from available parking in the north to the main body of commercial development in the south.

**Table 2** highlights that the total number of car bays available for public use as counted at the Harbour is **2,780 bays**. To assess current parking needs, a

conservative approach has been taken whereby office and commercial floorspace open only during the week is still included (accommodating future change should floorspace convert and be open over weekend ‘peak’ periods), and with each business independently allocated its own parking supply irrespective of the potential for any reciprocity of use as well as the likelihood of multi-purpose trips. Based on current uses and building floorspace at the Harbour, a total of **2,455.81 bays** are required. Parking allocation rates have generally been based on those set down in the City of Joondalup *District Planning Scheme No. 2 (DPS2), AS3962-2001 – “Guidelines for the Design of Marinas”* and the *Hillarys Boat Harbour Parking Study (SKM, May 2002)*, with several rates adjusted based on the specific characteristics of the Harbour’s use. From the analysis of overall parking demand generated by all existing land and seabed activities, there is currently a surplus of 324.19 bays. A new allowance for beach users (on assumption they do not visit any other facility) requires an **additional 304.19 bays** where none had previously been allocated thereby reducing the available surplus to **20 bays**.

With this surplus, any change of use between permitted uses that are contained within existing building footprints are exempt from the need to obtain WAPC approval.

Existing uses & built development floor space	2016 Hillarys Boat Harbour Management Plan applied parking rate*	Bays counted
- Retail / Office / Café floorspace = 20,683m <sup>2</sup> GLA (South) 9,456m <sup>2</sup> GLA (North)	- 1 bay per 15m <sup>2</sup> GLA (South) for all floorspace in the main southern Shopping Complex buildings = <b>1,378.86</b>	Bays counted on Tuesday, 12 January 2016
- AQWA / The Great Escape	- 1 bay per 30m <sup>2</sup> GLA for all floorspace = <b>315.21</b>	
- Rottnest Ferry Service	- Specific allowance from 2002 SKM Parking Study = <b>246.55</b>	
- Harbour Marina Pens	- 50 bays per departure x avg. 5 departures per day = <b>250.0</b>	
- Boat Maintenance Facility = 70 dry berths + 1050m <sup>2</sup> GLA	- 0.3 bays / pen x 474 leased pens = <b>142.20</b>	
- Charter Boat Operations	- 0.2 bays / dry berth + 1 per 30m <sup>2</sup> GLA = <b>49.0</b>	
- Specialist water activities	- 3 per 4 guests x 4 boats x 20 guests each = <b>60.0</b>	
	- 1 per 2 customers / hour = <b>5.0</b>	
	<b>Total parking bays required = 2,455.81</b> (or <b>2760 bays</b> including a new 304.19 bay allowance specifically for beach user parking)	

\*Applied from the City of Joondalup District Planning Scheme No. 2 (DPS2), AS3962-2001 – Guidelines for Design of Marinas & the SKM Hillarys Boat Harbour Parking Study (prepared for DPI, May 2002).

**Table 2 Car bay count and existing floorspace parking requirements**

It should be noted that parking bays supplied for several existing operations, being the Hillarys Yacht Club and the Accommodation Units site, are designated for the exclusive use of their members or customers and are thus unavailable to the general public. Accordingly, these parking areas have not been included in the calculations of general parking requirements. Any new development or redevelopment of these areas will continue to deal with their parking needs independently of overall Harbour arrangements.

In terms of adjusted rates, the *DPS2* parking rate for Shopping Centres less than 30,000m<sup>2</sup> net lettable area (NLA) is 1 bay per 20m<sup>2</sup> NLA. Although the Southern Precinct retail complex operates in a similar manner to a suburban Shopping Centre, it attracts a higher proportion of uses servicing tourists and recreational visitors such as restaurants, bars and cafés. Based on their higher parking requirement, a rate of 1 bay per 15m<sup>2</sup> GLA has therefore been applied for all Office, Retail and Restaurant / Café uses in the main southern Shopping Complex buildings.

For the Northern Precinct, building floorspace mainly comprises Offices (assigned a rate of 1 bay per 50m<sup>2</sup> NLA in *DPS2*), Maritime Commercial and Retail Chandlery activities as well as several Cafés. A lower rate of 1 bay per 30m<sup>2</sup> gross leasable area (GLA) for ‘activities primarily related to marina uses but not directly related to boat berthing’ has therefore been used for the entire

Northern Precinct as recommended for such activities in *AS3962-2001 – “Guidelines for the Design of Marinas”*. A comparison of available car parking bays against modelled demand shows there is sufficient public parking to service existing floorspace and the other Harbour land and water activities.

In order to further analyse peak parking demand on some of the busiest days of the year, interrogation of aerial photography entailed actual counts of occupied and vacant bays. The results in **Table 3** below were counted on six selected very busy, warm and sunny summer weekend days from 2012 through to 2015. The analysis shows that on all days surplus parking was available.

Analysis of parking demand (both peak parking use and demand by floorspace) illustrates that the occasional perception of a lack of parking may be attributed to a lack of awareness of the location of available spaces. These perceived parking constraints can be managed through parking management strategies such as improved directional signage, engagement of traffic wardens on very busy days to direct vehicles to available parking areas and other measures as detailed in Section 2.8.1 of the Management Plan below.

Date	Vacant bays south	Vacant bays north	Total vacant bays	Total public parking bays	Aerial source
15.12.2012 Saturday	95	132	227	2,775 (5 bays obstructed)	Nearmap
27.01.2013 Sunday	32	650	682	2,780	Nearmap
23.03.2014 Sunday	96	87	183	2,760 (20 bays obstructed)	Nearmap
01.11.2014 Sunday	28	389	417	2,780	Nearmap
08.03.2015 boat show Sunday	24	156	180	2,534 (246 bays obstructed)	Nearmap
15.11.2015 Sunday	24	327	351	2,780	Nearmap

**Table 3 Aerial interrogation of parking availability**

## 2.6 Consultation

Consultation was undertaken with the local community and businesses to understand how they use the Harbour and how they wish to see it develop. Consultation was undertaken through a community survey and by directly meeting with head lease holders. The survey comprised a number of questions relating to the types of activities occurring within the Harbour, the type and form of development (buildings) within the Harbour, and questions regarding the function of the Harbour.

A community survey was available online for three weeks and was handed out and conducted in person at the Harbour.

A separate survey aimed at lessees of the Harbour site was conducted during the same time period.

### 2.6.1 Community survey results

The results of the survey varied dependant on the respondent's' interest in the Harbour. An intercept survey method was used to attract respondents during the early afternoon hours on two sunny, pleasant days; Friday May 1 2015 and Saturday May 2 2015. Consultation was primarily undertaken within the retail and hospitality area of the Southern Precinct. The intercept survey yielded a total of 82 responses.

### Users

Responses suggested that the varying social, recreational, commercial and relaxation functions, in addition to the Harbour's unique maritime function, appeals to locals, visitors from the larger Perth region and tourists.

Many survey participants visited the Harbour at least weekly and predominately travelling from Perth's northern suburbs. This suggests that regular local use is important, consistent with the centre role of the Harbour. Many tourists that were approached to complete the survey declined.

### Land uses, services and amenities

The most utilised uses, services and amenities included restaurants and cafes, and retail shops. More low-key recreation and grassed areas, including the beach, were preferred over the structured activities such as The Great Escape and AQWA.

A dominant theme of survey responses was the identification of the Harbour to potentially act as an activity centre, with respondents wanting to see more social activity and added vibrancy within the Precinct. Bars, restaurants and cafes were the uses that the community identified as the most preferable for the future. The commercial and retail activities within the Harbour were identified as integral components of the "Hillarys experience". A

possible 'maritime hub' could be considered in the northern part of the Harbour to strengthen the relationship between all public functions of the Harbour, including the maritime uses and the retail/hospitality hub in the Southern Precinct.

Other ideas raised in the survey responses included more entertainment (including small/trendy bars, concerts/exhibitions, community functions, buskers and activities, entertainment for all ages including children, older children and elderly) and increasing diversity in existing land uses, particularly restaurant and food variety, clothing stores and children's recreation activities.

The survey revealed respondents are quite happy with the existing uses, services and amenities. There was a strong emphasis on building upon and expanding uses by providing choice and alternatives to some existing offerings, some of which were considered to be 'tacky', too expensive or generally 'too touristy'.

Survey participants expressed a desire for more activity and recreation areas within the Harbour. The types of entertainment/facilities specifically mentioned included buskers, concerts, kids' activities and exhibitions. This reflects that there is more of a demand for a dynamic Precinct with the ability for spaces to



adapt rather than a desire for physical or private development.

The Harbour was recognised by survey participants as a great, safe family place to visit. There was a preference from many that the Precinct should maintain its cleanliness, focused on alleviating some of the seagull nuisance. In addition, it was noted that the Harbour should provide more public amenity, including shade, trees and greenery.

### **Built form**

The survey aimed to gauge perception regarding built form types for future development and redevelopment. A set of images were provided with respondents asked to indicate the appropriate and desirable built form style. Overwhelmingly, the traditional pitched roof character of the existing southern Precinct area and short stay apartments was considered the most preferable built form style as it provided heritage and character value. The built form character of the AQWA building and the Department of Transport offices were not desired as they were not perceived to fit in with the 'feel' of the Harbour.

There was a general lack of support for modern architectural examples, including high density residential and office buildings. Development over three storeys was not supported. However, modern architecture that was sympathetic with

the existing character of the Harbour, for example the Breakwater Tavern, was viewed as acceptable due to its sensitive transition from existing character to modern built form.

### **Parking and Transport**

Parking was identified as an issue, particularly during the busy summer months and special events days.

Survey responses identified that the southern car parks were the most widely used because they provide easy access to the retail and entertainment Precinct, as well as the awareness of parking availability in that location. Respondents did not generally utilise signage to decide where to park, instead using a location close to the activities or services that they intended to visit. The pedestrian bridge that connects the Southern Precinct with the boat ramps was recognised as providing a useful connection to the northern parking areas.

A significant proportion of visitors were dependant on private vehicle use to visit Hillarys, noting a lack of available public transport options. When considering that the majority of respondents lived in nearby suburbs, this could suggest unnecessary stress is being placed on parking spaces caused by visitors driving very short distances.

### **2.6.2 Lessee discussions**

Discussions were held with lessees concerning the existing structure plan, current uses, possible redevelopment of current lease areas and the future of the Harbour. Consultation included incorporation of previous DoT Harbour Management comments received from a head leaseholder unavailable at the time of Management Plan preparation regarding other potential land uses.

Redevelopment of existing facilities was strongly supported by stakeholders, however it was identified that updating the existing structure plan for the Harbour has delayed this. There was a preference towards additional short term accommodation within the Harbour. Additionally, more flexibility with liquor licensing was identified as a way to create alternative environments for visitors and discourage antisocial behaviour.

Generally there was a strong emphasis placed on updating facilities and revitalising underutilised land. Many lessees articulated a preference to promote a family friendly focussed Harbour and to facilitate use and development that would achieve that outcome. Parking facilities and parking allowance were mentioned as a barrier to future growth and expansion of existing facilities.

### 2.6.3 Consultation outcomes

The outcomes of consultation with community members and lease holders have informed the Management Plan. In particular, the range and distribution of uses that it promotes in the Precincts responds to the preferences from community surveys and considers the specific development aspirations of lease holders. The Management Plan balances development and use aspirations with the primary function of the Harbour for maritime and recreational purposes.

Consultation outcomes also informed the development of design objectives for new development and redevelopment, recognising a

preference that architectural style and built form is sensitive to the existing character of the Harbour.



## 2.7 Management Plan – use and development

### 2.7.1 Planning Precincts

The Management Plan divides the Hillarys Boat Harbour into four planning Precincts, each having specific objectives and associated uses that contribute to those objectives. The combination of land uses across the Precincts supports the primary role of the Harbour as a maritime and recreational reserve whilst facilitating appropriate commercial development that augments the Harbour experience.

The Management Plan identifies the Northern Precinct as a key area for maritime recreation and commercial uses. The Northern Precinct will retain its existing role in supporting safe and efficient access to the ocean through public boating facilities. Uses facilitated by the Management Plan reflect this maritime focus, with a restriction on the proliferation of retail or hospitality uses into the area.

The Management Plan recognises that existing hospitality businesses operate in the area and provides for their continuation. It does not; however support further or more intensive development of retail, entertainment and tourist activities in the Northern Precinct.

The Management Plan recognises the broader recreation focus of the Eastern Precinct, with a swimming beach and associated amenities. It continues this recreational focus and provides for the retention and expansion of amenities associated with recreation and leisure.

In line with the function of the Southern Precinct as a district centre, the Management Plan facilitates a diversity of centre, tourist and special uses within this area. The Southern Precinct has the widest range of commercial uses that complement the recreational and boating function of the Harbour. It facilitates the continued revitalisation of the Southern Precinct to provide a hub for retail, entertainment, hospitality and tourist experience.



Within the water areas of the Harbour, the Seabed Precinct is a key planning area that focusses on safe and efficient boating access. The primary function of the Precinct is to support access and servicing of maritime functions, with the provision of boat pens for private and public users.

The Management Plan provides a list of uses that may be contemplated within each Precinct to achieve the desired planning objectives.

### 2.7.2 Development provisions

The Management Plan does not anticipate major redevelopment but maintains flexibility by allowing for a merit based approach to the consideration of private development proposals. Design objectives within the Management Plan provide expectations for built form, car parking and signage as key elements that influence amenity and enjoyment of the area.

To ensure the level of flexibility, the majority of the development provisions within the Management Plan allow for a qualitative rather than a quantitative assessment. This enables each application to be considered on merit, rather than setting out prescriptive design requirements.



## 2.8 Management Plan – strategic approaches

To support the objectives of the Hillarys Boat Harbour Management Plan, a range of strategic actions and opportunities are available to the Department of Transport and private developers. These strategic approaches relate to key initiatives to actively manage issues that affect amenity and provide opportunities to support growth of the Harbour.

### 2.8.1 Strategic parking management

Development provisions within the Management Plan identify where additional parking provision is required. In general, all new development will increase parking demand, addressed through direct provision of new parking areas.

The Management Plan recognises the current surplus of bays when calculated based on land use types and total floorspace within existing development footprints. Any change of an existing use to another listed as compatible development for each of the Precincts will not influence parking demand as they have similar parking requirements. The Management Plan therefore provides a flexible approach that enables changes in use without requiring additional parking.

To support accessibility to existing public parking across the Harbour, a strategic parking management approach will assist in overcoming the perception of a lack of parking. A strategic approach will better promote the availability of parking to users, and also manage parking demand during peak times (including major event days).

Public parking within the Harbour is shared and available to all users of the different Precinct areas. The only exceptions to this arrangement are the boat trailer parking area being only available to cars towing boats on trailers prior to midday, and the private parking provided at the Hillarys Yacht Club as well as the Short Stay Units and Townhouses.

Parking bays supplied for the Yacht Club and Short Stay Units and Townhouses are designated for the exclusive use of their members or customers and are thus unavailable to the general public. Accordingly, these parking areas have not been included in the calculations of general parking requirements.

Any new development or redevelopment of these areas will continue to deal with their parking needs independently of overall Harbour arrangements.

Opportunities to promote alternative forms of transport, particularly the use of bicycles, should be considered for any larger development proposal. New development proposals that cater for bicycle use by providing end-of-trip facilities such as bike lockers, showers and change room facilities will be considered favourably.

To be informed of available parking and to encourage the public to use the parking area aligned with their destination within the Harbour, the following will be investigated by the Department of Transport:

- Installation of clear signage at the Harbour entrance points at Hepburn Avenue and West Coast Drive that direct drivers to the appropriate parking location based on the purpose of their visit. The signs would indicate how many bays are available in each parking precinct so drivers can direct themselves accordingly;
- On particularly busy days (such as for special events), the use of traffic wardens may be appropriate to direct traffic to areas with parking availability;
- Implementation of time restricted parking in high demand areas, including the Southern Precinct;

- Parking permits for pen holders;
- Long term parking areas providing secure extended duration parking for Rottneest visitors; and
- Improving pedestrian access routes between car parks and key demand areas, such as the Eastern and Southern Precincts.

### **2.8.2 Land swaps**

The Management Plan focusses private retail, tourist and entertainment development within the Southern Precinct. There may be some leaseholders with existing leases in other Precincts with a preference to develop retail, tourist or entertainment uses generally not supported by the Management Plan.

There is opportunity for leaseholders to explore lease land swaps with the Department of Transport where specific development aspirations are unlikely to be promoted by the Management Plan. Lease land swaps will enable leaseholders to have flexibility in development and investment, whilst maintaining the preferred planning direction prescribed by the Management Plan.

### **2.8.3 Non-conforming uses**

The Northern and Eastern Precincts currently contain several café / lunch bar and café / restaurant uses. These uses are not

considered to align with the future land use intentions for these Precincts but their legitimacy as existing land uses must be acknowledged. As a result, they will become non-conforming uses and so can continue to operate. Expansion and intensification however will not generally be supported. Any redevelopment of these sites will extinguish this right and it will be required to align with the recommendations of this Management Plan.

### **2.8.4 Centre Structure Plan**

As indicated in Section 2.4.3, this Management Plan is not to be construed as being an activity centre structure plan in the meaning given in *SPP 4.2*. Any 'major development' proposed, such as an extension by more than 5,000m<sup>2</sup> of shop-retail NLA, will require the preparation of an activity centre structure plan to be endorsed by the WAPC.

In accordance with the principles of orderly and proper planning, any activity centre structure plan should include the entirety of a walkable catchment surrounding the Harbour, which also extends into the surrounding residential catchments of Sorrento and Hillarys. Any developer looking to increase shop - retail floorspace above this identified limit would need to engage with the Department of Transport as custodian of the land and manager of the Harbour, the City of Joondalup

and the WAPC as the relevant planning approval authorities. This process would also include substantial community engagement.

Alternatively, if the City of Joondalup proposes to progress an activity centre structure plan for the District Centre to achieve greater population density in accordance with *SPP 4.2*, the City will need to engage with the Department of Transport and current lessees within the Harbour as key stakeholders.

### **2.8.5 Access strategy**

Improved pedestrian and vehicle access to and within the Harbour is a key opportunity identified in the site analysis. Currently, the Harbour can be entered by vehicles from three points and exited from two. Vehicle movement in, out and through the Harbour can be confusing and there is opportunity to enhance access and promotion of the various parking areas.

A traffic and access strategy may assist to improve vehicle movement and provide greater clarity for drivers moving around the Harbour. Further consideration of the need for such a strategy will be monitored into the future. A strategy will be required in support of any major development proposal, to be supplied by the proponent at the time of seeking planning approval.

There are numerous pedestrian entries to the Harbour, particularly from the southern car park. Any access strategy would also review pedestrian access to the site including how it relates to connections to and from car parking areas as well as beyond the Harbour.

### **2.8.6 Growth and new development**

Whilst the Management Plan does not anticipate considerable redevelopment, it can flexibly respond to proposals that have not yet been contemplated. Land available outside existing lease areas which may be considered for future development include existing public car parking areas.

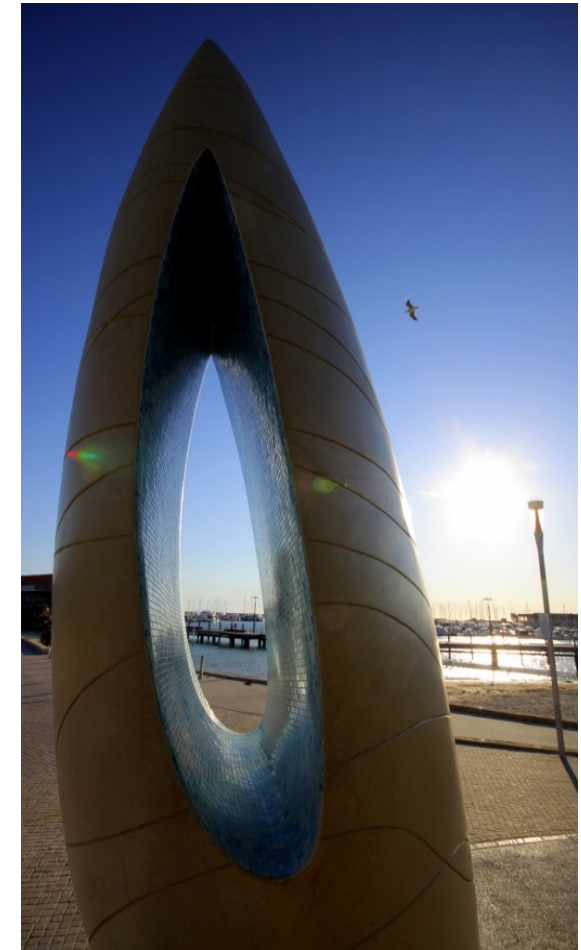
Innovative development projects which incorporate and/or replace existing public parking areas so that there is no net loss in public parking may present an opportunity to grow and extend retail, tourist and hospitality offerings within the Harbour. Redevelopment of existing building footprints may also provide an



opportunity where any increased parking demand is managed within the lease boundary through innovative design.

Within the limitations set down in this Management Plan in terms of use, compatibility with Precinct objectives and development requirements, all new development within the Harbour can be entertained and will be considered on merit.

Major development projects should be supported by an activity centre structure plan and a traffic and access strategy (and covering parking demand) to demonstrate via detailed development plans how the issues of Harbour use, access and amenity can be addressed.





## 2.9 Other approvals

The Management Plan provides a framework for use and development and the circumstances requiring planning approval from the WAPC pursuant to the *MRS*. There are other approvals that private developers should be aware of when planning and operating a business within the reserve.

Nothing in this Management Plan exempts an applicant from their obligations under other Acts, Regulations and State planning policies.

Additional information may also be required for occasional events (possibly requiring an Event Management Plan), routine operational management (refuse disposal, bin storage, deliveries), environmental matters (coastal management, sea level rise, noise, odour and dust), construction management (possibly requiring a Construction Management Plan), liquor licensing, food management and the like depending on the nature and intensity of the activity proposed.

The following information is provided as a guide only and to highlight the need for approvals other than planning approval that may be required.

### 2.9.1 *Environmental Protection (Noise) Regulations 1997*

The proximity of residential/serviced apartments or hotel may be impacted by uses such as a tavern. The proximity to commercial areas may also result in noise disturbances caused by early morning deliveries, servicing of bins or other commercial activities.

Accordingly, any proposal that has the potential to emit noise at levels likely to adversely impact on surrounding noise sensitive premises should consult the Department of Environmental Regulation (DER) prior to any application being submitted to the Department of Transport.

In consultation with the DER, proponents should consider potential impact of noise, the need for noise modelling and the submission of a Noise Management Plan to ensure the maximum noise limits as set down in the Regulations can be complied with.

### 2.9.2 *Health Local Law 1999*

The City of Joondalup requires that an applicant proposing use or development where public health is relevant, such as an 'eating house', to obtain Health approvals.

Under the *Law*, the definition of 'eating house' "*means any land, premises or place, or any part thereof, on or in which meals are*

*prepared for service, or are served, to the public for gain or reward.*"

This does not include venues licenced under the *Liquor Licencing Act 1911* unless it is a restaurant.

Under Part 4 of the *Local Law*, a business must not occupy or operate premises without first registering the premises and licencing each of the proprietors. Application for registration is made to the City of Joondalup.

The *Law* also requires operators to comply with the standards governing sanitation, refuse disposal and pest control.

Link:

[http://www.joondalup.wa.gov.au/Libraries/Local\\_Laws/Health\\_Local\\_Law\\_1999.pdf](http://www.joondalup.wa.gov.au/Libraries/Local_Laws/Health_Local_Law_1999.pdf)

### 2.9.3 *Food Act 2008 and Food Regulations 2009*

The *Food Act 2008* and *Food Regulations 2009* apply to all food businesses involved in the production and sale of food in Western Australia. It encompasses a wide range of food safety issues such as cleanliness, sanitation, hygiene and food serving practices to ensure that consumers can be confident about the safety of the food they buy and eat. All food businesses are required to comply with the Act

and Regulations and to notify the City of Joondalup prior to commencing operations.

Link:

<http://www.joondalup.wa.gov.au/Develop/ApprovalsAndRegulations/Food/FoodAct2008.aspx>

#### **2.9.4 Health (Public Building) Regulations 1992**

Any temporary public event proposed by a third party lessee is required to submit a *Form 1 – Application to Construct, Extend or Alter a Public Building* to the City of Joondalup prior to the event being held. Approval by Harbour management for these events will also be required.

#### **2.9.5 Liquor Licencing**

To be authorised to serve and sell alcohol in the Hillarys Boat Harbour, a business operator must first obtain a Liquor Licence. The decision for liquor licencing ultimately rests with the Department of Racing, Gaming and Liquor who administer the *Liquor Control Act 1988*.

The key types of Liquor Licence are:

- Club and Club Restricted;
- Hotel, Tavern and Small Bar;
- Liquor Store;
- Restaurant;
- Occasional; and

- Special Facility.



The following matters are examples of what is normally considered when determining a licence application:

- Objections against the liquor licence application;
- Public interest test;
- Public interest assessment;
- Review of a licencing decision; and
- Liquor Commission.

Prior to a Liquor Licence being granted, *Section 39 (S39)* of the *Liquor Control Act 1988* states that a certificate from the local government is to be obtained to ensure that the premises can comply with other laws. Application for a *S39 certificate* should be submitted to the City of Joondalup prior to applying to the Department of Racing, Gaming and Liquor for a Liquor Licence.

*Section 40 (S40)* of the *Act* states that a certificate from the authority responsible for

planning matters in the district in which the premises to which the application relates are situated is to be obtained to ensure that the premises comply with planning laws. Given that the *MRS* is applicable to the Harbour, application for the issue of a *S40* certificate should be submitted to the WA Planning Commission prior to applying to the Department of Racing, Gaming and Liquor for a Liquor Licence.

#### **2.9.6 Building Permit**

Prior to commencing any development in the Harbour, a building permit under the *Building Code of Australia (BCA)* must be obtained additional to the need for a development approval.

A building permit must be secured from the City of Joondalup, requiring submission of detailed built form and engineering drawings for the development. These plans must be submitted accompanied by a copy of the WAPC planning approval.

Should the development involve the demolition of any existing structure, a demolition permit must also be obtained from the City of Joondalup.

Link:

<http://www.joondalup.wa.gov.au/Develop/ApprovalsAndRegulations/Building.aspx>.

### 3. Appendix 1 – Application Checklist

#### Department of Transport – Applicant Checklist

#### Hillarys Boat Harbour Development Applications

#	Checklist Item (assumes development application required – please review the operative planning framework)	Complete & Attach
1	Development Application – pre-submission meeting <sup>1</sup>	<input type="checkbox"/>
2	Development Application provided to the Department of Transport (DoT) Harbour Office	<input type="checkbox"/>
2a	MRS Form 1– including value (\$) of development	<input type="checkbox"/>
2b	Site plans to scale showing location within the Hillarys Boat Harbour (HBH), site context and any proposed signage or peripheral development that should be assessed as part of the proposal. Plans should include: <ul style="list-style-type: none"> <li>– North point</li> <li>– Calculation of internal areas both NLA and GLA</li> <li>– Details of lease boundaries and ability to maintain access ways<sup>2</sup></li> <li>– Clear depiction of existing and proposed development</li> <li>– Any nearby trees, seating, changes in levels (stairs) or plant, utilities and equipment such as light poles and power infrastructure</li> </ul>	<input type="checkbox"/>
2c	Floor/site plans to scale showing: <ul style="list-style-type: none"> <li>– North point</li> <li>– Calculation of internal areas; both NLA and GLA</li> <li>– Clear depiction of existing and proposed development</li> </ul>	<input type="checkbox"/>

<sup>1</sup> No applicant should submit any plans or proposals without first meeting with the DoT Harbour Master. Depending on the size and scale of the proposal, this may also include meeting with the DoT’s nominated design review architect.

<sup>2</sup> The Plans should clearly show how the design responds to access within and through the HBH development, including retention of clear pathways through internal circulation routes and into the public areas.



	<ul style="list-style-type: none"> <li>- Clear depiction of internal and external areas</li> <li>- Proposed design levels (show existing design levels if changed)</li> <li>- Proposed materials, colours and finishes</li> <li>- Landscaping details (if relevant)</li> </ul>	
2d	<p>Elevations to scale showing:</p> <ul style="list-style-type: none"> <li>- Existing elevations and proposed elevations</li> <li>- Adjacent development (proximity and impact on)</li> <li>- Height of proposed development and comparison of proposed height to surrounding development</li> <li>- Proposed materials, colours and finishes</li> </ul>	<input type="checkbox"/>
2e	<p>Written statement regarding the proposed development, including:</p> <ul style="list-style-type: none"> <li>- Design intent and character (especially where a departure is proposed from the typical Hillarys Boat Harbour materials, colours and finishes)</li> <li>- Response to site and context</li> <li>- Response to the maritime and coastal theme</li> <li>- Landscaping (if applicable, providing information about landscape management especially where the landscaping is a significant component of the design aesthetic (i.e. green walls)</li> <li>- Maximum occupancy proposed (for cafes and restaurants and similar)</li> <li>- Car parking (and any travel smart or parking management strategies proposed)</li> <li>- Signage</li> <li>- Community benefit<sup>3</sup></li> <li>- Impact of the development on access to sunlight (overshadowing) and shelter in adjacent public spaces or private alfresco areas</li> </ul>	<input type="checkbox"/>
2f	<p>Coloured perspective or photomontage (required for development that proposes an expansion of the existing development footprint or contains a specific design feature that should be considered in its context). A photomontage or perspective using the existing Hillarys Boat Harbour development provides the relevant scale and context and is preferred</p>	<input type="checkbox"/>

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<sup>3</sup>The Hillarys Boat Harbour is fundamentally a facility operated and managed for the benefit of the broader regional community and development should therefore contribute to, and not detract from, the community experience

3	Assessment	
3a	<p>The DoT will consider the following:</p> <ul style="list-style-type: none"> <li>– Assessment against operative planning framework</li> <li>– Design review (architect)</li> <li>– Engineering (constructability)</li> <li>– Accessibility (maintain safe pathways and access / egress points)</li> <li>– Parking, access and bicycle end-of-trip facilities</li> <li>– Signage</li> <li>– Other (landscape, overshadowing, community benefit etc.)</li> </ul>	<input type="checkbox"/>
3b	The DoT may request an application meeting (if required to request modifications / improvements)	<input type="checkbox"/>
4	The DoT signs application (or, if relevant, a refusal to sign is accompanied by a supporting letter)	<input type="checkbox"/>
5	Development application process – the DoT may request involvement in the application process with the WAPC	<input type="checkbox"/>
6	<p>Application approved; the applicant shall then provide to the DoT<sup>4</sup>:</p> <ul style="list-style-type: none"> <li>– 1x hard copy set of approved plans</li> <li>– An electronic copy of the approved plans (including any agreed or conditioned modifications)</li> <li>– Once complete, an electronic copy of the for-construction drawings to supersede the development application drawings on file if relevant</li> <li>– If changes have been made, an electronic copy of the as-constructed drawings to supersede the for-construction drawings on file</li> </ul>	<input type="checkbox"/>
7	<i>Application refused – in the event that the application is refused by the WAPC, further liaison with the DoT should occur to determine opportunities for modification to negotiate a solution</i>	<input type="checkbox"/>

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<sup>4</sup> In the interests of good land management, it is appropriate that the DoT obtains and maintains plans of all assets within the Minister’s Reserve. For this reason, all applicants are obliged to provide the DoT with a full set of electronic (dwg, CAD etc.) as-constructed drawings of the development. This will enable the DoT to maintain a formal register of up-to-date information on development in the Hillarys Boat Harbour

## Appendix 2 - Land use terms and definitions

**advertisement** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes –

- a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- b) any airborne device anchored to any land or building used for the display of advertising; and
- c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

**amusement parlour** means premises:

- a) that are open to the public;
- b) that are used predominantly for amusement by means of amusement machines including computers; and
- c) where there are two or more amusement machines.

**art gallery** means premises:

- a) that are open to the public; and

- b) where artworks are displayed for viewing or sale.

**boat launching facility** means any land or building used to launch or retrieve boats into and from the water and may include a boat ramp or slip way.

**boat sales** means any land or buildings used for the display and sale of new or second-hand boats, and may include the servicing of such goods sold from the site.

**brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.

**car park** means premises used primarily for parking vehicles whether open to the public or not but does not include:

- a) any part of a public road used for parking or for a taxi rank; or
- b) any premises in which cars are displayed for sale.

**cinema / theatre** means premises where the public may view a motion picture or theatrical production.

**civic use** means premises used by a government department, an instrumentality of

the State or the local government for administrative, recreational or other purposes.

**club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest.

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include:

- a) any part of a public road used for parking or for a taxi rank; or
- b) parking of commercial vehicles incidental to the predominant use of the land.

**community purpose** means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

**convenience store** means premises –

- a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- b) operated during hours which include, but may extend beyond, normal trading hours; and
- c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area.



**educational establishment** means a school, college, university, technical institute, academy or other educational centre, training centre or a lecture hall, but does not include premises intended or used to accommodate or deal with offenders or persons undergoing punishment.

**exhibition centre** means premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature including a museum.

**gross leasable area (GLA)** means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

**hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* and including any betting agency on the premises.

**industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:

- a) the storage of goods;

- b) the work of administration or accounting;
- c) the selling of goods by wholesale or retail;
- d) the provision of amenities for employees;
- e) incidental purposes.

**industry - light** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

**lunch bar** means premises used as a take away food outlet but within the hours of 9.00am to 3.00pm only.

**marina** means:

- a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.

**marine filling station** means premises used for the storage and supply of liquid fuels and lubricants for marine craft.

**market** means premises used for the display and sale of goods from stalls by independent vendors.

**Metropolitan Region Scheme (MRS)** means the *Metropolitan Region Scheme* made pursuant to the *Metropolitan Region Town Planning Scheme Act 1959* published in the Government Gazette of August 9, 1963, and as amended from time to time.

**Metropolitan Region Scheme Reserve** means land reserved under the *Metropolitan Region Scheme*.

**net lettable area (NLA)** means the area of all floors within the internal finished surfaces of permanent walls and exclusive use alfresco areas but excludes floor areas of:

- a) stairs not in a fire rated enclosure, escalators, toilets, cleaners' cupboards, plant rooms and other service areas, except where such floor areas are for the exclusive use of the occupiers of the floor or building;
- b) stairs in a fire rated enclosure, lift shafts and motor rooms, and lobbies between lifts facing other lifts serving the same floor;
- c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- d) areas set aside for the provision of shared facilities or services for occupiers of the floor or building.

**non-conforming use** means a use of land which although lawful immediately prior to the coming into operation of the Management Plan is not in conformity with a provision of the Plan dealing with the classification of land and the permissibility of uses on land so classified.

**office** means premises used for administration, clerical, technical, professional or similar business activities.

**Precinct** means a definable area where particular planning policies, guidelines or standards apply.

**public purposes** include Government and Local Authority Purposes.

**public utility** means any work or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications, passenger transport or other similar services.

**reception centre** means premises used for hosted functions on formal or ceremonial occasions.

**recreation — private** means premises that are:

- a) used for indoor or outdoor leisure, recreation or sport; and

- b) not usually open to the public without charge.

**reserve** means any land reserved for a public purpose.

**restaurant / cafe** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.

**retail** means the sale or hire of goods or services to the public.

**serviced apartments** means a group of units or apartments providing –

- a) self-contained short stay accommodation for guests; and
- b) any associated reception or recreation facilities.

**short stay accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

**shop** means premises other than bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal

nature, including hairdressing or beauty therapy services.

**small bar** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*.

**storage yard** means any land or buildings used for the storage of goods, equipment, plant or materials.

**tavern** means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.

**telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.

**tourist development** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide:

- a) short-term accommodation for guests;
- b) onsite facilities for the use of guests; and
- c) facilities for the management of the development.

**vehicle** includes motorcycles, boats, caravans

and trailers.

**warehouse / storage** means premises including indoor or outdoor facilities used for:

- a) the storage of goods, equipment, plant or materials; or
- b) the sale or display by wholesale of goods.

**works**, in relation to land, means:

- a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b) the carrying out on the land of any excavation or other works; and
- c) in the case of a place to which a *Conservation Order* made under the *Heritage of Western Australia Act 1990* section 59 applies, any act or thing that:
  - (i) is likely to damage the character of that place or the external appearance of any building; or
  - (ii) would constitute an irreversible alteration to the fabric of any building.

